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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF

THE STATE OF TEXAS,

FIFTH LEGISLATURE.

BY AUTHORITY.

AUSTIN:

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1853.

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JOURNAL.

AUSTIN, Monday, November 7, 1853.

This being the day prescribed by law for the assembling of the Legislature of the State of Texas, the House of Representatives met at the Capitol, in the city of Austin, at 11 o'clock, A. M., when the Hon. Tho. H. Duval, Secretary of State, took the chair, and proceeded, assisted by Ben. F. Hill, former Chief Clerk of the House, to organize that body.

The roll of districts being called, the following members appeared, presented their credentials, took the oath of office, as prescribed by the constitution, and their seats:

District No. 1—Bowie:	H. R. Runnels.
“ “ 2—Red River	J. W. Sims.
“ “ 3—Lamar	J. Lyday and John H. Fowler.
“ “ 4—Fannin	R. H. Taylor.
“ “ 5—Grayson	W. H. Bourland.
“ “ 6—Collin	Alex. Berry.
“ “ 7—Denton, Collin and Cook	J. W. Throckmorton.
“ “ 8—Dallas	A. J. Witt.
“ “ 9—Hunt	W. C. Walker.
“ “ 10—Hopkins	A. G. Melton.
“ “ 11—Hopkins, Fannin and Red River	W. B. Stout
“ “ 12—Titus	M. Loving.
“ “ 13—Cass	J. M. Wood.
“ “ 14—Cass and Titus	J. W. Ferris.
“ “ 15—Harrison	J. Marshall, M. J. Hall.
“ “ 16—Upshur	W. H. Hart.
“ “ 17—Smith	D. G. Adrian and H. Holman.
“ “ 18—Wood and Vanzandt	W. Moore.
“ “ 19—Kaufman and Henderson	S. G. Parsons.
“ “ 20—Anderson	R. K. Gaston and J. B. Mallard.
“ “ 21—Cherokee	B. B. Cannon.

Dist'ct No. 22—Rusk

		Mark Stroud, A. J. Laird, W. B. Turner, and A. Birdwell.
"	" 23—Panola	H. P. C. Dulany.
"	" 24—Shelby	M. F. Roberts.
"	" 25—Shelby, Panola and San Augustine	Emery Rains.
"	" 26—San Augustine	B. J. Lewis.
"	" 27—Nacogdoches	D. Muckléroy and B. W. Brown.
"	" 28—Houston	C. H. Randolph.
"	" 29—Polk and Trinity	W. R. Moore.
"	" 30—Sabine, Jasper and Newton	Josh. H. Speights and J. R. Burke.
"	" 31—Angelina and Cherokee	R. A. Wooten.
"	" 32—Jefferson and Orange	Bird Holland.
"	" 33—Liberty	Wm. Fields.
"	" 34—Tyler	N. B. Charlton.
"	" 35—Galveston	B. C. Franklin and Memucan Hunt.
"	" 36—Harris	James Reily.
"	" 37—Montgomery	E. G. Collier.
"	" 38—Walker	A. P. Wiley.
"	" 39—Grimes	Thos. H. M. Rogers.
"	" 40—Madison, Grimes and Walker,	D. A. Boon.
"	" 41—Leon	I. F. Wood.
"	" 42—Freestone, Limestone and Falls	W. F. Daniel.
"	" 43—Navarro	William Melton.
"	" 44—Ellis and Tarrant	L. J. Wilson.
"	" 45—Bell and McLennan	George E. Burney.
"	" 46—Robertson and Milam	R. Calvert.
"	" 47—Burleson and Brazos	James Shaw.
"	" 48—Williamson and Burnet	E. H. Vontress.
"	" 49—Washington	G. W. Crawford and R. J. Swearingen.
"	" 50—Austin	A. J. Bell.
"	" 51—Fort Bend and Austin	
"	" 52—Brazoria	Horace Cone.
"	" 53—Matagorda and Wharton	Henry Thorp.
"	" 54—Colorado	C. W. Tait.
"	" 55—Fayette	

Dist'ct No. 56—Bastrop	Jesse Billingsly.
“ “ 57—Travis	John B. Banks.
“ “ 58—Fayette, Bastrop and Travis,	Wm. Meniffee.
“ “ 59—Jackson and Calhoun	Frank M. White.
“ “ 60—Victoria and Goliad	
“ “ 61—Lavaca and Dewitt	A. Turner.
“ “ 62—Gonzales	S. H. Darden.
“ “ 63—Guadalupe	H. E. McCulloch.
“ “ 64—Caldwell and Hays	Charles E. Travis.
“ “ 65—Nueces, San Patricio and Refugio	
“ “ 66—Webb	
“ “ 67—Starr	E. R. Hord
“ “ 68—Cameron	R. B. Kingsbury.
“ “ 69—Cameron and Hidalgo	
“ “ 70—Bexar	S. A. Maverick, J. C. Crawford and B. Edwards.
“ “ 71—Bexar, Uvalde, Gillespie, Kinney and Comal	G. Schleicher.
“ “ 72—Comal and Gillespie	M. A. Dooley.
“ “ 73—El Paso and Presidio	Josiah F. Crosby.

The roll being called and a quorum present—on motion of Mr. Hunt, the House went into the election of Speaker.

Mr. Turner, of Lavaca, nominated William Fields.

“ Franklin “ H. R. Runnels.

“ Hunt “ F. M. White.

Messrs. Bourland, Turner and Edwards were appointed tellers. Upon counting the vote,

Mr. Fields received 34 votes.

“ Runnels “ 39 votes.

“ White “ 5 votes.

Blank “ 1 vote.

Neither candidate having received a majority of all the votes, the House proceeded to a second ballot.

Mr. Hunt withdrew the name of Mr. White. Upon counting the vote on the second ballot,

Mr. Runnels received 41 votes.

“ Fields “ 37 votes.

Blank “ 1 vote.

Mr. Runnels having received a majority of all the votes, was declared duly elected Speaker of the House of Representatives.

Messrs. Bourland and Meniffee were appointed a committee to wait upon the Speaker elect and conduct him to the chair.

The Speaker, on ascending the chair, addressed the House to the following purport:

Gentlemen of the House of Representatives: I am prepared to make no speech appropriate to this occasion. However, I owe it to you and to myself, to offer my thanks, most sincere and heartfelt, as a public expression of the emotions of gratitude which prevail in my mind, for the preferment which you have made. The honor which you have conferred, is one which I have had little right to expect, on account of any services I may have hitherto rendered in my humble capacity. The position is new to me. But so long as I occupy it, I shall esteem it my highest object and only aim, to discharge its duties with advantage to the interests committed to our charge, and in a satisfactory manner to the members of the House.

On motion of Mr. Franklin, the House went into the election of Chief Clerk.

Mr. Meniffee nominated Mr. Ben. F. Hill. There being no other nomination, Messrs. Muckleroy, Charlton and Meniffee were appointed tellers. On telling the vote, Mr. Hill having received 74 votes, was declared duly elected Chief Clerk of the House of Representatives.

Mr. Turner moved to adjourn until 9 o'clock, A. M. to-morrow; lost.

On motion of Mr. Crawford of W., the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK P. M.

House met—quorum present.

The election of First Assistant Clerk being announced by the Speaker as next in order:

Mr. Banks nominated W. L. Chalmers. Messrs. Muckleroy, Charlton and Meniffee were appointed tellers. Upon telling the vote, it was announced by the Speaker that W. L. Chalmers, having received 67 votes, which being a majority of all the votes cast, was declared duly elected First Assistant Clerk of the House of Representatives.

The House then proceeded to the election of Second Assistant Clerk. Mr. Hall nominated James L. Roberts; Mr. Charlton nominated Wm. McKerrall. Upon telling the vote, it appeared

that James L. Roberts had received 45 votes, Wm. McKerrall received 28. Mr. Roberts having received a majority of all the votes cast, was declared duly elected Second Assistant Clerk of the House of Representatives.

The House then proceeded to the election of Engrossing Clerk.

Mr. Bourland nominated J. C. Harrison.

" Charlton " E. F. Calhoun.

Upon telling the vote, it appeared that J. C. Harrison received 56 votes, E. F. Calhoun received 21 votes. Mr. J. C. Harrison having received a majority of all the votes cast, was declared duly elected Engrossing Clerk of the House of Representatives.

The House then proceeded to the election of Enrolling Clerk.

Mr. Turner of Rusk nominated J. W. Barrett.

" Cannon " Chas. D. Moore.

" Crosby " H. H. Haynie.

" Banks " A. Johnson.

" Wiley " F. Barnard.

Mr. Barrett received 20 votes.

" Moore " 13 "

" Haynie " 40 "

" Johnson " 1 "

" Barnard " 5 "

Mr. Haynie having received a majority of all the votes cast, was declared by the Speaker duly elected Enrolling Clerk of the House of Representatives.

The House then proceeded to the election of Sergeant-at-Arms:

Mr. Charlton nominated A. Evans.

" Meniffee " A. B. Burleson.

" Daniel " J. M. Love.

" Turner of R. " T. P. Plasters.

" Riley " A. Crawford.

" Wilson " Mr. Lewter.

" Cannon " W. W. Atwood.

The vote stood as follows:

Evans received 13 votes.

Burleson " 13 "

Love " 10 "

Plasters " 10 "

Crawford " 10 "

Lewter " 13 "

Atwood " 9 "

Neither of the candidates having received a majority, the

House proceeded to a second ballot. The vote stood as follows :

Evans received 11 votes.

Burleson " 17 "

Love " 7 "

Plasters " 11 "

Crawford " 7 "

Lewter " 13 "

Atwood " 7 "

There being no election, the House proceeded to a third ballot. Mr. Hord nominated Mr. Polk. The vote stood as follows :

Polk received 2 votes.

Evans " 9 "

Burleson " 26 "

Love " 7 "

Plasters " 13 "

Crawford " 3 "

Lewter " 11 "

Atwood " 9 "

There being no election, the House proceeded to a fourth ballot. Mr. Taylor of Fannin withdrew the name of Mr. Evans. The vote stood as follows :

Burleson received 34 votes.

Love " 6 "

Plasters " 16 "

Crawford " 3 "

Lewter " 13 "

Atwood " 7 "

Mr. Crawford of Bexar moved to adjourn until to-morrow morning 9 o'clock ; lost.

Mr. Daniel withdrew the name of Mr. Love. The House proceeded to a fifth ballot. The vote being told, stood as follows :

Burleson received 43 votes.

Plasters " 20 "

Crawford " 2 "

Lewter " 10 "

Atwood " 6 "

Mr. Burleson having received a majority of the votes cast, was declared duly elected Sergeant-at-Arms of the House of Representatives.

Mr. Stout moved that the House adjourn until 9 o'clock to-morrow morning ; lost. The election of Door Keeper being next in order,

Mr. Charlton nominated L. Pennington.

" Meniffee	"	J. M. Smith.
" Bourland	"	E. Whiteley.
" Walker	"	W. C. Lawson.

The vote being told, stood as follows :

Pennington received 51 votes.

Smith	"	6	"
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Whiteley	"	18	"
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Lawson	"	4	"
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Mr. Pennington having received a majority of all the votes cast, was declared duly elected Door Keeper of the House of Representatives.

On motion, the House adjourned until to-morrow, 9 o'clock.

AUSTIN, November 8, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

A message was received from the Senate, through a committee, informing the House that the Senate had organized and were ready to proceed to business.

The clerks elect came forward and were qualified

Messrs. Stapp, of Victoria, and Baylor, of Fayette county, appeared—presented their credentials, took the oath of office and their seats.

On motion of Mr. Burney, a committee of three was appointed by the chair, consisting of Messrs. Burney, Stapp and Travis, to wait on the Senate and inform that body that the House was now organized and ready to proceed to business.

Mr. Turner of Lavaca offered the following resolution, which was adopted.

Resolved, That the Speaker appoint the usual Standing Committees, viz :

A committee on the Judiciary.

"	"	State Affairs.
"	"	Federal Relations.
"	"	Finance.
"	"	Education.
"	"	Land Office.
"	"	Public Debt.
"	"	Public Lands.
"	"	Printing.

A Committee on Public Buildings.

- “ “ Penitentiary.
- “ “ Privileges and Accounts.
- “ “ County Boundaries.
- “ “ Claims and Accounts.
- “ “ Internal Improvements.
- “ “ Private Land Claims.
- “ “ Contingent Expenses.
- “ “ Engrossed Bills.
- “ “ Enrolled Bills.

Mr. Fields introduced a bill to be entitled an act to amend the 5th section of an act, entitled an act to regulate Ferries, approved January 23d, 1850; read first time.

Mr. Dooly moved that a committee be appointed to wait on His Excellency, the Governor, and inform him that the House had organized and were ready to receive any communication that he had to make.

The Speaker appointed Messrs. Dooly, Burke and Franklin said committee.

On motion of Mr. Randolph, the standing rules of the last session were adopted for the government of the present legislature.

A message was received from the Senate, through their Secretary, informing the House that said body had elected the following officers:

James F. Johnson, Secretary;
 M. D. Herring, 1st Assistant Secretary;
 C. J. Garrison, 2d “ “
 R. W. Martin, Engrossing Clerk;
 H. W. Raglin, Enrolling “
 Ward Taylor, Sergeant-at-Arms;
 Joseph Mangum, Door-keeper.

Also, that the Senate had appointed Messrs. Holland, McAnelly and Whitaker, a committee on the part of that body, to wait on His Excellency, the Governor.

Mr. Laird moved that copies of rules be furnished each member.

Mr. Crawford of Washington, moved to amend by adding “and copies of the Constitution.”

A division of the question called for, put and carried.

The committee appointed to wait on his Excellency, the Governor, reported duty performed, and that the Governor would deliver his message to-morrow at 11 o'clock, A. M.

Mr. Cannon offered the following resolution, which was adopted :

Resolved, That a committee on Rules for the government of the proceedings of the House be appointed by the Speaker.

Mr. Hall offered the following resolution :

Resolved, That the Secretary of State be requested to furnish each member of the House with a copy of Hartley's Digest, and a copy of the Acts of the 4th Legislature, to be returned to the State Department on the adjournment of this Legislature.

Mr. Ferris offered the following substitute :

Resolved, That the Secretary of State be requested to furnish each standing committee of the House of Representatives with a copy of Hartley's Digest, and Laws of the last regular session to each member of the House, to be returned at the expiration of the present session ; lost.

Mr. Taylor offered to amend by adding "that each member receiving said Digest should cause the same to be returned to the Secretary of State at the close of this session, or pay the value thereof ;" adopted.

Mr. Crosby offered the following amendment :

"And that each member receiving the same, shall be required to receipt to the Chief Clerk therefor ;" adopted.

The following substitute to the original resolution as amended, offered by Mr. Franklin, was adopted :

Resolved, That the Secretary of State be instructed to furnish as many copies of Hartley's Digest and the Laws of the last Legislature, as may be necessary for the use of the members of the House during the present session, to be returned to the Department on the adjournment of the Legislature.

On motion, the House adjourned until to-morrow, 10 o'clock, A. M.

AUSTIN, November 9, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

The Speaker appointed Messrs. Cannon, Meniffee, Stout, Throckmorton and Crosby, a committee upon Rules for the government of this House.

PETITIONS.

Mr. Collier presented the petition of Cyrus Wickson ; referred to the committee on Private Land Claims.

Mr. Stout presented the petition of sundry citizens of Smith county ; referred to the committee on Finance.

Mr. Parsons presented the petition of Joel Boyd, Wm. Johnson and Mrs. F. A. Tabor ; referred to committee on Private Land Claims.

Mr. Moore of Polk, presented the petition of E. R. Myers ; referred to committee on Private Land Claims.

Mr. Stout presented the petition of Hiram Rattan ; referred to committee on Private Land Claims.

Mr. Adrian presented the petition of sundry citizens of Smith county ; referred to committee on State Affairs.

On motion of Mr. Dooly, the Speaker appointed a committee to wait upon the Senate and invite that body to meet the House of Representatives in their hall at the hour of 11, to receive the message of his Excellency, the Governor ; whereupon the Speaker appointed Messrs. Dooly, Stroud and Cone.

Mr. Cannon offered the following resolution :

Resolved, That the two Houses will meet in the Representative Hall on Saturday, the 12th day of November, 1853, at the hour of 10 o'clock, A. M., for the purpose of opening and publishing the returns of election for Governor and Lieutenant-Governor, and that there be appointed one on the part of the Senate, and on the part of the House two tellers, whose duty it shall be to keep a correct list of the votes as they are opened and published by the Speaker, and the persons having received the highest number of votes for Governor, and also for Lieutenant Governor, being constitutionally eligible, shall be, by the Speaker of the House of Representatives, declared Governor and Lieutenant-Governor for the two years next ensuing the 21st day of December, A. D., 1853 ; laid upon the table one day for consideration.

Mr. Billingsly offered the following resolution :

Resolved, That a committee of nine be appointed on the part of the House of Representatives, to act in conjunction with a like committee on the part of the Senate, for the special purpose of reporting a bill to be styled the Pacific Rail Road Bill ; which, upon motion of Mr. Throckmorton, was laid upon the table.

On motion of Mr. Menifee, the resolution of the Senate relating to the election of Public Printer, was taken up.

Mr. Hall moved to strike out 1 and insert 3 o'clock ; carried.

Resolution as amended, was adopted.

Mr. Cone offered the following resolution :

Resolved, That for expediting the business of the present ses-

sion of the Legislature, and to insure the comfort and health of its member, that the Speaker should appoint a committee of five members to inquire whether or not a suitable room could be procured in the city, in which the Legislature may meet to transact its business, and that they shall report to the House upon what terms it may be procured.

Mr. Throckmorton moved to lay the resolution on the table; lost.

Resolution adopted.

The Chair appointed the following members upon said committee: Messrs. Cone, Reily, Birdwell, Banks and Randolph.

On motion of Mr. Cannon, the House took a recess of fifteen minutes.

Recess expired—House called to order.

The committee appointed upon the part of the House to invite the Senate to meet the House in their hall at 11 o'clock, to receive the message of his Excellency, the Governor, reported duty performed.

On motion of Mr. Fields, Mr. Turner of Lavaca was excused from attendance on the House on account of indisposition.

The message of his Excellency, the Governor, was received through his private secretary.

The Senate then appeared, headed by its President, who, upon invitation from the Chair, took his seat on the right of the Speaker.

Hon. Thomas J. Rusk accepted the invitation of the Speaker to a seat within the bar.

His Excellency the Governor's message was then received before the two houses in joint session, and read as follows:

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT, STATE OF TEXAS, }
Austin, November 9, 1853.

Gentlemen of the Senate and House of Representatives :

It affords me much gratification to be enabled to felicitate the Representatives of the people and our fellow-citizens at large upon the happy auspices under which you have assembled in the discharge of your constitutional duties. It is now seventeen years since Texas achieved her position as an independent power ; and eight years have passed away since she voluntarily yielded her nationality in order to identify her fortunes with the great American Union. At no period of her eventful and interesting history, either prior or subsequent to the transfer, has her government and citizens possessed such abundant cause for congratulation.

A reference to the past is not deemed inappropriate.

The noble effort of the small patriotic band directed to the establishment and perfection of free civil institutions over this highly favored nation of the earth, though retarded and well nigh foiled for a series of years, are now awarded everywhere a just consideration. The grand political drama in which they were engaged having closed so brilliantly, followed by a train of results the most astonishing on the pages of history, I am satisfied, and feel a just pride in the conviction that the participants in the great measures which wrought these important issues, derive more satisfaction from the belief that their voluntary sacrifices and labors have secured inestimable blessings to those who are to secure them, than from any hope, or selfish desire, to obtain immediate rewards commensurate with those sacrifices and labors. Their example will stand forth in all time to come, a beacon light and a hope to the oppressed of every land.

If the experiment of revolution was successful, and fraught with consequences that have excited the interest, wonder and

admiration of old and well established powers, our probationary term as a State of the Union has not been less fortunate. Possessing a geographical superfiçe of nearly 275,000 square miles, much the greater portion of which contains, in an eminent degree, all the essential elements for sustaining a dense population, and with a salubrity of climate rarely surpassed, the diversified production of the most favored country will here reward the husbandman ; while the laborer, the mechanic, the artisan and the enterprising man already find a rich field for the pursuit of their respective vocations. A population numbering, at the lowest estimate, two hundred thousand ; intelligent, industrious and law abiding ; with a sweeping tide of immigration from the old world and from the sister States ; many of whom bring with them to their new homes the ability, intelligence and sound political and social principles necessary to constitute them truly valuable acquisitions, will in a few years give us enviable rank among our older sisters.

Superadd to this our settled policy and ability to discharge at once, and in good faith our entire revolutionary debt, leaving thereafter a surplus for the education of the youth of the country and the developement of its vast agricultural and mineral resources, the question naturally presents itself—What country, in ancient or modern times ever acquired a territory of such magnitude and value, and the same amount of solid advantages ?

In this regard Texas stands without a rival.

I may be permitted further to add, and I flatter myself with your hearty concurrence, that the physical strength acquired by our State, by the rapid accumulation of numbers, has not far outstripped the ratio of her moral elevation. The time when the name Texas was a by-word and a reproach, is yet fresh in your memories ; when brigand, robber, murderer, refugee, were synonymes with Texas. But the judgment rendered by ignorance and malice has been reversed, and we now stand proudly before the world, “redeemed, regenerated, and disenthralled.”

You will pardon me, gentlemen, for these preliminary remarks, when I summons you to consider the proper deductions from them.

If we have passed successfully through revolution, and obtained a priceless trophy in the acquisition of this fair land,—if our country enjoys the blessings of peace, general health and prosperity,—if in proportion to our physical growth and industrial achievements, we likewise possess eminent religious ad

vantages and greatly improved moral tendencies, it is because a kind and beneficent Creator has vouchsafed to us his fatherly kindness and mercies ; and in this connection, I desire you to unite with me, in all the sincerity of grateful hearts, in supplicating his aid, so that your deliberations and counsels may be conducted to a wise and successful termination.

In the brief enumeration of some of the advantages we possess, the mind is naturally led into a current of pleasant associations. This I must interrupt for a moment. Within the last few months the sable messenger—Death, has laid his hand heavily upon several of our Atlantic cities and towns, and others adjacent thereto, carrying desolation and woe amongst the habitations of our countrymen. In his insatiate progress he has swept over some of our own coast towns, claiming, as his victims, many of our most beloved and esteemed citizens. Duty and inclination alike call upon us to express our deep regret for the lamented dead ; and our heartfelt condolence with their surviving relatives and friends. Our especial thanks are due to the Almighty for his kind care and consideration in excluding the dreadful scourge from our inland towns and country. May his all-powerful arm stay this pestilence.

In the communication which I have the honor to address to the Legislature on the present occasion, it occurs to me, that it will be most consonant with your views, and equally subserve the public interest, to limit myself to subjects clearly of immediate and pressing importance. The various contingencies during my administration which gave rise to the necessity of convening the Legislative bodies, furnished the Executive with ample opportunities for elaborating his views and making recommendations upon the many prominent leading questions connected with our State affairs. To present these subjects again in full, would be but occupying ground previously assumed and unnecessarily consuming your time. It will be my main object, therefore, to endeavor to give a plain but explicit statement of the operations of the government since the last biennial session, not doubting but that the unfinished bills upon your tables, the various suggestions in my former message unacted upon, and the several recommendations contained in this communication, together with such local matters as your own judgments may suggest, will fully occupy your time, until the inauguration of my successor.

× The subject of a railroad to the Pacific ocean, is one that is now engrossing the attention of every part of our widely spread Union. To none is its location fraught with more important

consequences than to our own State, and I therefore again, briefly, but most earnestly, recommend it to your serious consideration.

The General Government has so far recognised this measure as one of national importance and necessity, as to make an appropriation for the survey of three distinct routes, with the view of ascertaining that which is most advantageous and practicable. The survey of some of these routes has not yet been completed. It is believed, however, that enough is known, derived from the investigations thus far made, to satisfy the public mind that a southern route recommends itself to general favor by every consideration of national advantage. It is a matter of serious regret that the route leading from the Mississippi river through Texas, should not have been selected as one of those to be surveyed and reported on to the next Congress.

The omission to cause a reconnoissance to be made in a more southern parallel, has been construed by many as having its origin in the existence of an undue bias, entertained by the present Administration for a more northern route. In this opinion I do not concur, being satisfied that when the time for action arrives, it will be found assuming patriotic and purely national ground.

From my own knowledge of the country, and from information received from the most reliable sources, I am convinced that by far the best track will be found to be from Memphis, or some other point below on the Mississippi, entering our State about the 32nd degree of north latitude, and pursuing that line to El Paso, or its neighborhood; thence in the direction of the head waters of the Gila river, and down the same by the most practicable route to San Diego on the Pacific. This is the route that nature indicates by features so apparent that neither party bias nor sectional interests can conceal them. Even in the most rigorous winters there would be no snows nor ice sufficient to delay or obstruct the progress of completing the road, or at any time to interrupt its regular communication, nearly the entire route; but particularly that portion between the Mississippi and the Rio Grande would pass through a mild and genial climate, over a country level, or gently undulating, and rich and beautiful as any on the North American Continent.

With the great advantages thus afforded her by nature, would it not be a species of madness on the part of Texas, to disregard her rich boon, and allow the opportunity to pass by without using every exertion to accomplish an enterprise more stupen-

dous in its results than any which has hitherto engaged the attention of mankind?

A railroad between the waters of the Atlantic and Pacific oceans, upon the track indicated, will go far to divert the commerce of the world from its ancient channels. The wealth of California, China and the Indies, instead of passing to Europe and the United States by long and hazardous voyages through the Indian and Pacific oceans, around Capes Horn and Good Hope, would pour in a ceaseless tide over this great national highway, passing through the entire breadth of our State, and be shipped to all parts of the commercial world from the great Atlantic and Gulf ports of our Union. Every State would be in some degree benefitted by its existence, but to Texas the advantages would be incalculable. Her public domain lying north and west of her present populated limits, now waste, and comparatively worthless, would, in a short period, be densely inhabited; the value of real estate throughout her whole length and breadth, would be vastly enhanced, and all the resources of the State, agricultural, commercial and mineral, be developed with wonderful rapidity. To specify one striking source of revenue of the many which the farming interests of the State would derive from the construction of this road, I will only mention that growing out of the production of wheat. It is well established, from successful experiment, that there is an extensive tract of country in our State, lying on both sides of the proposed route, admirably adapted to the cultivation of this, now to be ranked amongst one of the great staple productions; and in a latitude where this grain ripens from three to six weeks earlier than it does in other portions of the Union. It is therefore obvious that Texas could export a vast amount of flour in advance of any other quarter of the United States, and thus to the extent of her capacity to grow and manufacture this article, monopolise the wheat market of the United States and of Europe.

To secure the construction of this great work through the limits of our State, nothing more is wanting, in my opinion, than a liberal donation of our public domain to such a responsible company as may be able to give sufficient guaranties of their ability to commence and complete the same within a reasonable period. And to render the measure as little objectionable as possible, I would suggest that a certain portion of the stock of the company be divided into small shares, and that the privilege of subscribing for them be secured to the citizens of the State, to the exclusion of all others, for a limited period, say

for ninety days after the subscription books shall have been opened. Under such provisions, if our citizens should refuse, or fail to avail themselves of so liberal an opportunity, they could not afterwards complain of a monopoly by non-resident capitalists, who, I am sure, will not long underrate the advantages of the enterprize or the value of our lands.

After the survey of the several routes provided for by Congress shall have been made and reported on, a protracted and exciting discussion, engendered by sectional feelings and diverse views, will, no doubt, ensue, as to their respective advantages and disadvantages, and the constitutional right of the Government to construct the road. Before this controversy can be settled, if it be settled at all, I confidently believe that Texas, in co-operation with some of her sister States in the south and west, can furnish sufficient inducements to secure the immediate commencement of the work upon the route I have indicated, and command the great prize for which the northern, middle and southern sections are so eagerly contending.

Then to effect this inappreciable object, let your wisdom and energies be promptly directed. So far as the interests of our beloved State are involved, there is nothing sectional or local associated with this great work. Its benefits will be felt and acknowledged by all within its limits, and every branch of industry will be stimulated and encouraged. Should partial or sectional feelings be found to arise in your deliberations upon this subject, let me beseech you, as legislators for a great and growing State, to discard them, and let your actions be characterised by an enlightened patriotism and an enlarged and liberal policy.

In view of the fact that none of the proposed routes for the Pacific and Atlantic railway, whose survey has been directed by the General Congress, will cross this State, I would, therefore, strongly recommend that steps be taken, at an early day, to make a survey of such routes within this State as shall be deemed advisable; and that your Honorable Bodies make a suitable appropriation to cover the expenses connected with the surveys so directed to be made.

In recommending so earnestly as I have done this great work, I would not be regarded as overlooking other enterprises necessary to connect our Gulf coast with all proper points. For I regard the connection of the Gulf with the interior portions of the State and other parts of the Union, as secondary only in importance to the great connecting link between the Atlantic and Pacific oceans.

Already some twenty or more charters have been granted by the State Government for railroad purposes; and, so far as I am advised, with few exceptions beyond the one hereafter mentioned, they have been unattended with the practical results anticipated, notwithstanding the liberal inducements offered. Under the provisions of these different charters, about twenty millions of acres of the public domain have been conditionally appropriated. It is now quite certain that but two or three roads, at farthest, will be constructed under these charters, and yet this amount of public land is, for the time being, tied up, and rendered useless to the country, with the still more injurious tendency of delaying works of great public utility, by driving real capitalists from the field.

Consideration of these facts has convinced me that in our zeal for internal improvements, we have heretofore granted railroad charters too indiscriminately, and I may say improvidently.

I therefore recommend that no Railroad Company shall be incorporated except such as are clearly of primary importance to an extensive section of the State; and which would give the safest guarantee of its ability to faithfully comply with the terms of the charters.

Although the charters granted to them were liberal in their provisions, I regret to say they have, with some exceptions remained as a dead letter upon our statute book; and that the results have fallen far short of the expectations conceived at the time they were granted. It affords me pleasure, however, to be enabled to inform you that the 'Buffalo Bayou, Brazos and Colorado Company' have already completed the first twenty miles of their road. This section has been examined by a competent engineer, Rose, Esq., appointed for that purpose, and found to have been executed in accordance with the terms of the charter; and certificates for the amount of land to which the Company was entitled have been issued in their favor. It is understood that another section of this road is now in a forward state of progress. The Company has set an example of enterprise and public spirit worthy of the highest commendation, and it will doubtless have a stimulating effect upon like enterprises in our State. It is also understood that one or two other companies have portions of their roads under contract, or have given assurances that they would shortly be enabled to commence them.

While I would advise you to foster and encourage, by every legitimate and proper means, the railroad enterprises already,

or hereafter to be chartered, with the view of connecting the interior of our State with the Gulf coast, I wish you to understand, that the recommendation is confined solely to such roads as commence and terminate at judicious points; to such as will be of manifest utility, and for the completion of which the most satisfactory assurances may be given.

The whole subject of internal improvements now creating so deep an interest in every portion of the State, will doubtless be presented again for your consideration by my successor in office. His recent canvass of the State will have enabled him to ascertain the public sentiment in relation to it, which, aided by his own enlightened reflection and judgment, will, I am assured, result in wise suggestions and wholesome recommendations. I therefore submit the subject to your Honorable Bodies without entering further into its details.

In reference to Indian policy and the protection of the settlements on our western frontier, so much has been said in the several general and special messages that I have had the honor to address to the Legislature during my administration, that I feel it a work of supererogation to renew my appeal to your Honorable Bodies, and nothing but the imperious nature of the subject would induce me to make this, my final effort, in the hope that something may be devised, something may be done towards effectually relieving the General and State Governments from an incubus that has pressed upon them heavily for years, towards effectually securing the life and prosperity of the settler, the existence and pacific deportment of the Indians.

The system of military defence hitherto pursued by the General Government, though assisted by the strenuous efforts of the Indian Bureau at Washington City, has evidently been inadequate to the task of repressing Indian murders and depredations. The vast extent of country to be protected, the immediate contiguity of trackless wastes over which the feet of white men rarely if ever tread, the numerous fastnesses and places of retreat known only to the savage, the cunning of the Indian in all his offensive operations, the fleetness with which when pressed he can fly from his pursuer, his hardihood, and capability of enduring under extremes of starvation and fatigue, and the unsuitable nature of the military material that has been employed by the General Government to carry out their policy, must convince every thinking mind that no hope can be reasonably entertained of a change for the better until an alteration in the system has been effected, and additional means enjoyed to accomplish the end.

From time to time the attention of the Executive has been drawn to distressing appeals for succor and military aid by petitions numerous and most respectably signed, supported by affidavits of the deplorable situation in which the petitioners were placed; and this Department has anxiously, though thus far delusively, hoped to arrest their recurrence, by devising some means that would secure their defenceless situation from the marauding savage. Without means, the employment of Rangers was in most cases impracticable; and, although the responsibility of calling three companies of that class of troops into the service of the State, was found to be absolutely and unavoidably necessary to prevent the total destruction of the settlements on the Lower Rio Grande, still the peculiar situation of those on the Upper Rio Grande rendered it impossible to extend to them similar assistance, and they consequently have been, and still are suffering the lamentable results.

Of all the portions of the frontier that have needed military aid and protection, the county of El Paso stands foremost; and, strange to say, with the greatest necessities and the least justification, she has been the most neglected. When the rights of the State were jeopardized; when the most disastrous consequences would have inevitably ensued, had she not averted, by decisive action, the threatened blow; when all around her was anarchy, confusion and revolt, with the howl of the murderous savage and the groans of his dying victim incessantly ringing in her ears; she, regardless of her situation, forgetful of her wrongs, stood, as she now stands, true to her colors and her country, though spurned by the General Government, abandoned by the State, and neglected by all.

The principal embarrassment that the Indian Bureau appear to have felt in the conduct of her policy with regard to the Indians of Texas, has been the want of some suitable locality for them within the confines of the State. This matter was freely discussed in a recent conference with Major R. S. Neighbors, the United States Superintending Indian Agent for Texas; and he strongly urged the importance of some steps, on the part of this State, whereby such an arrangement could be effected. The Executive, coinciding with the opinion of the Agent, had in view the "Joint Resolution concerning Indian boundaries," approved February 16th, 1852, in which the Legislature had made provision, under certain restrictions, to meet this exigency; but the Department conceiving this resolution contemplated that the General Government would take the preliminary steps in the matter, and no official action there-

on at Washington City having reached the Department until the receipt of a communication from the Secretary of War, under date of the 19th ultimo, in reference to the subject, (a copy of which is transmitted herewith, marked A.) The Executive deemed it advisable to defer any movement in the matter until the meeting of your Honorable Bodies, for several cogent reasons; and, among them may be mentioned, the want of necessary knowledge of the Northwestern portion of the State, owing to its not having been surveyed, to enable him to make a proper and advantageous selection; and the great liability that any section under such circumstances would be found to conflict with private localities which have been so numerous made in that section since the passage of the Joint Resolution above referred to.

The Department having maturely considered the whole field that this important subject presents, and fully conscious of its bearing upon the growing interests of the State at home and abroad, would, therefore, recommend that your Honorable Bodies give the necessary authority to the General Government for the temporary occupation of a certain district of the State, as shall be deemed best adapted for that purpose, and which will not conflict with existing private claims, nor any contemplated route for the Pacific Railroad; designating the tract, or district, by metes and bounds; and, stipulating, that the district so occupied shall revert to the State so soon as the General Government shall be able to effect more permanent arrangements for the final disposition of the Indian tribes in Texas. Humanity loudly demands that something of this kind should be done as a provision for the poor Indian, who now has no other alternative left than to perish by famine or the sword; who, goaded to desperation at the loss of hunting grounds that furnished his forefathers with subsistence, and year after year driven further and further, by remorseless fate, from fertility to barrenness, feels that the existence of the white race sounds the knell of extinction to his own.

The report of the State Treasurer for the fiscal year ending Oct. 31, 1853, marked B, is submitted to your honorable bodies as a very satisfactory and lucid statement of the transactions of his office during that period, and the present situation of the Treasury, which contains the large amount of \$3,966,125 08, independent of \$80,285 27 belonging to the General School Fund, notwithstanding the heavy drafts that had been made upon it under appropriation by the former Legislature for the

construction of the State Capitol and other large public buildings.

The increasing amount of the General School Fund, so wisely established by the framers of the Constitution, is also a source of gratification; it will, doubtless, in the course of a few years, afford the means for the accomplishment of immense good in a judicious distribution for the education of the young. Every item in the Treasurer's Report is a matter of interest to your growing country, and the ability displayed by that officer in the discharge of his onerous duties deserves the highest commendation.

The able Report of the Commissioner of the General Land Office, herewith submitted, and marked C, lays before your Honorable Bodies, in a clear and comprehensive manner, the present condition and the future requirements of that important branch of the State Government; and having minutely examined its details and suggestions, I cannot too strongly urge the recommendation that steps be taken, by a proper increase of the clerical force of his office, to enable the Commissioner to keep pace with public expectation and his duties. Justice to such an efficient officer renders it necessary that he should be relieved; and I feel assured that the Legislature will, with pleasure, take early action on the subject.

Among other items relative to the landed interests of the State that this Report contains, I perceive that the estimated number of acres constituting the present residue of the public domain, after deducting every claim known to exist, is 102,740,301. This large body of unlocated land forms a valuable basis, upon which, by judicious management, the future welfare of the State can be securely founded.

Taking into consideration the rapid absorption of all the choice lands by private location, I would also recommend that an appropriation be made, at the present session, for the location and survey of the balance of the fifty leagues set apart for two Universities as an endowment by an act of the late Republic, in order that those institutions may reap the full benefit of the grant made to them under that wise and liberal enactment.

Transmitted herewith marked D, I have also the honor to lay before your Honorable Bodies the biennial Report of the Adjutant General, which, with its accompanying statements, contains a succinct and clear exhibit of the business of his office since the last regular meeting of the Legislature.

Taking into consideration the large number of outstanding claims against the State for land as a recompense for military

services rendered under the late Republic, as well as other important matters connected with the duties of the Adjutant General, and the very large collection of valuable archives pertaining to the War Department of the late Republic that are now in the charge of that officer, I would strongly recommend to your Honorable Bodies the continuation of that office, as an indispensable requisite for the proper discharge of the duties pertaining to it.

From the representation of Col. Gillet of the rapidly increasing business of his office, and the consequent necessity, I recommended him to employ the services of some efficient gentleman to assist him in the capacity of clerk; which the Colonel has done, and not only thereby accomplished much that could not otherwise have been effected, but rendered the State very valuable service in the arrangement of the voluminous papers under his charge. As no legislative provision has been made to meet the expenditure thereby incurred, I respectfully recommend an appropriation for that purpose, which shall be deemed by your Honorable Bodies, as sufficient to reimburse the Adjutant General for his outlay on that account, and to provide for the future services of his clerk, should it be considered advisable to continue them.

Among other suggestions submitted by the Adjutant General that appear to me important and worthy of consideration, is the recommendation for the repeal of that clause in the law governing the issue of land warrants for military services, that requires the countersignature of a field officer to captains' discharges of men who served under them. The reasons given in his Report seem so satisfactory, that I presume the Legislature will remove the bar, which, under the present law, entirely excludes many just and meritorious claims.

In reference to the continually increasing necessity for some provision for the proper storage of the arms furnished to the State by the United States, I will only draw the particular attention of your Honorable Bodies to that portion of the Adjutant General's Report relating to the subject, in order that such arrangements may be made in the premises as shall be deemed advisable.

The Report is interesting, and reflects the highest credit upon the discharge of the duties pertaining to the Adjutant General's office.

The Attorney General's Report not having been received, the Executive is unable to inform your Honorable Bodies of the

situation of the several suits, now pending in Judicial Courts, in which the State is an interested party.

As required by law, the Directors of the State Penitentiary have transmitted their biennial Report of the affairs of that institution which is herewith transmitted, marked E, No. 1 to 4.

This report, though in detail, and voluminous, will amply repay the labor of investigation, as it gives a flattering account of the present situation and future prospects of that invaluable institution. By the judicious management of the Directors, the Superintendent and the Agent, its fiscal affairs have materially improved, as it has not only recovered from its former embarrassment, but is represented as being able to meet every present contingency. It will, therefore, only require such an appropriation from your Honorable Bodies as shall be deemed sufficient to meet its current, though increasing expenses.

With a laudable anxiety for the advancement of the interests of the Penitentiary, and the desire that the State should, as far as practicable, be relieved from the burthen of its support, the Directors have renewed a suggestion, submitted in their former report, for the establishment of a cotton factory within its walls, which would employ all the convicts, and exclude mechanical pursuits; the reasons advanced by them in support of the change they propose to make in the Penitentiary are, that on the one hand the labor of the convict would not interfere with the mechanics of the country, and, consequently, that the spirit of the law in relation to the subject would be greatly benefitted in a fiscal point of view, as the institution could then be made to bear its own expenses, or, at least, realize a much larger revenue than under the present system.

In order to obtain some information in the matter and be the better able to judge of its advisability, I requested John S. Besser, Esq., the Agent of our Penitentiary, to visit those of Louisiana and Mississippi, where I understood they had established cotton factories; the result of his examination is given in his communication to this department of the 29th October last, which will be found accompanying, marked —.

Relative to the suggestion, after mature consideration of all its bearings, I can only recommend its partial adoption. The State Penitentiary was instituted as one of the adjuncts of the criminal code of the country, for the suppression of crime and the protection of the morals of society; and, to properly effect this, it appears to me that the reformation of the convict constitutes the only certain means whereby the object of its institution can be accomplished. From a close examination of the

causes of crimes, and the experience to be derived from similar establishments in our sister States and other parts of the world, it will be found, that nothing has had a more beneficial effect on the moral and physical health of their unfortunate inmates than the habitual and steady occupancy of some mechanical pursuit which would afford them the certain prospect of an honest and respectable livelihood when they emerged from the walls of their prison. All other considerations should give place to these, or the intention of such institutions will be defeated, and the State as well as the individual, in reality, are loser.

— I will, therefore, only recommend that a cotton factory be established in the Penitentiary, which will employ half of the convict labor existing there, and the other half to be distributed in mechanical pursuits, under such regulations as may be deemed most advisable; it will then be found that the convicts will not sensibly interfere with, or affect the mechanical interests of the country, and that they will have the chance when they leave, of making themselves good and useful members of society.

I cannot close this notice of the Penitentiary without expressing my satisfaction at the very efficient manner in which its affairs have been conducted by the Superintendent and Agent, under the watchful supervision of the Board of Directors.

In connection with the Penitentiary, I deem it proper to notice a suggestion which has been made to me, viz: that in case of a conviction in the Federal Court of this State, for an offence against the laws of the United States, where the sentence was imprisonment to hard labor, such sentence could not be executed in our State Penitentiary without some Legislative enactment on the subject. I would, therefore, recommend the passage of a law granting the use of our Penitentiary for such convicts upon the same terms and conditions as are granted in other States for the like privilege.

Since my occupancy of the Executive chair, I have had occasion, in more communications than one, to call the attention of the Legislature to that important article of the Constitution which relates to the great cause of Education; and, in doing so, by all pertinent suggestions and appeals to impress upon that body the necessity of an early fulfilment of its first section, by setting on foot and maturing some practicable and liberal system of popular education. Upon this subject I shall feel that my duty to the State has been fully discharged, when, in following up a reference I had the honor to make in a com-

munication of the 10th of November, 1851, relative to the fifty leagues of land to be surveyed and set apart for the endowment of two Universities, I recommended, as I now do, a liberal appropriation of means for the establishment and maintenance of two Colleges, or Universities, to be located at such eligible points as may best subserve the interests and convenience of the two grand divisions of the State. Such appropriation to be employed in addition to that already set apart by the fourth section of an Act approved January 26th, 1839. This recommendation is made in the full confidence that the present is a highly favorable time for the commencement of these establishments, whether we consider the capability of the State to provide the necessary means for so wise a purpose, or the very best application of those means.

I should do violence to my own feelings, and omit an act of sheer justice to a worthy set of officers in the Judicial and Executive branches of the Government, if I failed to again urge upon the Legislature, at its present session, the immediate adoption of measures for an increased compensation to these gentlemen.

I am satisfied that a proposed amendment of the Constitution for an increase of the salaries of the Governor of the State, and the Judges of the Supreme and District Courts, would receive the cordial support of the people. These are public servants, selected by the people themselves on account of their supposed high mental and moral fitness to discharge the most sacred trusts; and such qualifications presuppose years of mental toil and discipline. The duties of the Judges, particularly of the Supreme Court, are continually increasing and becoming more onerous; especially since the branching of the Court, have their mental and physical labors been greatly augmented. Their personal expenses are in like manner increased; and it is from a thorough conviction of its justness, that I am now induced to urge upon the Legislature the propriety of adopting the earliest measures for their relief. In reference to the Executive, I am sustained in the suggestion which I now make, from the experience drawn from an official service of four years, and I assure you, in all candor, with a lean salary, and without the ability afforded by personal means, I have felt regret and deep humiliation from my inability to dispense those kindnesses and generous hospitalities to strangers visiting the Capitol, and to my fellow-citizens and friends, prompted alike by my own feelings so befitting the Executive head of every State, and called for by the precedents of most of the older members of the

Union. Alluding to the subject in a former message, I had the honor to state.

"The fifth section of the fifth article of the Constitution, which provides that the compensation of the Governor shall not be increased nor diminished during the term for which he shall have been elected, entirely relieves me from any feeling of delicacy, which otherwise would exist, in recommending, as I now do, an increase of the salaries of all the officers and their clerks, connected with the Executive Department of the State Government. My personal connection with the various officers for the last two years has enabled me to ascertain clearly the inadequacy of the existing salaries, and the consequent embarrassment, if not injustice, which results to the very intelligent and efficient individuals employed in them. I do not forget that it is my duty to regard, and as far as it is in my power, to encourage a just system of economy in every department of this government; nor can I forget the reciprocal obligation that always exists between the competent officer or agent employed in carrying on the government and the government itself; and I do not admit that it is a just, but consider it as a false economy on the part of a government which, with the capacity to do so, fails to protect its honest and capable public servants by providing such salaries and fees as will not only meet their necessary annual expenditures, but as will enable those who are provident and economical to guard against the ordinary accidents and vicissitudes of life.

"Our State, in its present position, possesses an ample field, and stands in need of all the talent and energy that can be brought to her assistance, in the conduct of all her affairs, to ensure her successful progress and continued prosperity; and no means will prove more conducive to the furtherance of this great end, than the establishment of such a system of remuneration, which, while at the same time just and equitable to the State and her officers and agents, will induce and secure the services of those who possess the largest share of energy and capability. The policy of the older States in reference to this matter, and which uniformly ensures a just and liberal equivalent for the services of faithful public servants, it appears to me, confirms the opinion I have expressed, and induces me to draw the favorable attention of your Honorable Body to the subject."

In pressing this recommendation as I most earnestly do, I adopt, with pleasure the language of Gov. Helm, of Kentucky, to the Legislature of that State: "I deny that it is either just

or proper to make the allowance to a public officer, barely sufficient to meet his necessary yearly expenditures. Men should employ the vigor of manhood in acquiring the means of support in advanced age. They must guard against penury and want when they are no longer able to labor. Wise men plant the tree in the days of their youth, that shall shelter and protect them on their road to the grave."

I freely record my testimony of the capability, efficiency and gentlemanly bearing of our officers. It is no undue compliment to say, that those at the head of Bureaus, and their assistants generally, are entitled to the award of having performed their laborious duties in the most faithful and enlightened manner.

Although in a probationary term as a State, and consequently without the confidence and experience which an older membership would give, I venture to introduce to your notice and for your consideration, a subject which, it seems to me from its very nature, addresses itself to our people and government as one for their especial patronage.

The genial nature of our climate, acting upon a soil of unsurpassed fertility, produces spontaneously the most abundant and luxurious grasses in every variety; and those of our citizens, even of limited means, who desire to make investments in the raising of live stock, possess every facility with very little expense in making the experiment. With the agriculturist it is different. But few can afford the cost of experiments or await their result. Texas unites, with her present populated limits, a climate and soil adapted to almost every staple cultivated in the Union. Sugar remunerates our planters largely in our coast counties, where water transportation is accessible and cheap. Cotton, which bears land carriage, is the great staple of the State; and experience proves that from the coast to Red River, every portion of the country may, if necessary, lean upon this single product; not only without dread of failure, but with the assurance of remunerating crops. Wheat for several years has been grown in the north-eastern section, and with an astonishing yield. Both quantity and weight are ascertained to be largely beyond the average of that culture in the older States. The early period of its maturity would give to Texas, if she possessed the necessary facilities for transportation, superior advantages to that of any portion of the United States. At a time when the grain of the commercial world was damaged and unsaleable, she could supply the deficiency, and thereby make this leading staple a source of unlimited wealth.

With the present extension of commerce, Texas wheat at our

Gulf ports, in May or June, would be in demand, not only in our home markets, but for those of Europe; and would command precedence over every other crop, until the Northern and Western States began, in July and August, to compete.

Although tobacco has not yet become a staple among us, its culture has been tested, and, to a limited extent, many intelligent citizens believe it would remunerate largely; and, besides supplying our own wants, and keeping our means in home circulation, the markets of Mexico would be ours, almost exclusively, from our proximity and the cheapness of land carriage among that people. Sisal hemp is believed to be well adapted to our climate, and its production would have a home market to foster it. Besides its uses for bagging and bale rope, throughout the South, it would furnish a valuable cordage for shipping and other purposes. Apart, however, from these, and various other products which our climate and soil are capable of yielding, the subject of fencing our vast and fertile prairies, has attracted the attention of some of our enterprising people.

A very large portion of our territory is without timber, and it is well known that this constitutes the body of our richest soils. Various substitutes for timber for fencing purposes have been suggested, and tested to a limited extent, but there are few of our citizens whose resources would justify the delay and cost of experiment.

In view then of its practical utility to a large mass of our citizens in testing the capacity of the different soils, and the products best adapted to each, I have no hesitation in suggesting an experimental farm, owned by the State, with a central locality, supported by annual appropriations, and conducted by an experienced and skillful farmer, whose duty it should be to publish, at stated periods, the result of all experiments made.

The subject is respectfully submitted.

I have thus, gentlemen, noticed some of the transactions of our State Government in as succinct a manner as I was able, consistently with their importance, and brought to your attention several topics of primary interest, worthy, in my estimation, of your careful consideration.

In a few days my official relation to the Legislature, as Governor of Texas, will cease, at which time, the contingency anticipated in the twelfth section of the fifth article of the Constitution, and provided for therein, will have arisen, and the Lieutenant-Governor will then exercise the power and authority appertaining to the office of Governor, until the period ar-

rives for the installation of the Governor elect. As there are no formalities prescribed, or necessary, in withdrawing from the position, beyond a mere official notification of the fact, it is not probable that another occasion will present itself, to enable me to express to the people of Texas, through their Representatives, as I now desire you to do, the deep sense of gratitude I entertain, for the marked confidence and partiality they have on so many occasions manifested towards me, by entrusting to my charge, at critical periods, responsibilities and duties of the gravest and most interesting character. Our State, in its wide scope, has possessed, and now possesses varied and complex interests, which, in her public councils, have often given rise to diverse and conflicting views. In performing the multiplied labors devolving on me as her Chief Executive Magistrate, my course has been directed by no other motives than those for the public weal, merging personal considerations, and, as far as possible, sectional and local prejudices; with a sincere desire under an independent, faithful and fearless discharge of every duty, to advance the domestic and internal affairs of our State. How far I have succeeded in these efforts, can be best determined after a careful inquiry into the actual condition of the State at the period of my assuming Executive duties, and then looking to the greatly increased and still increasing happiness and prosperity with which we are surrounded. Let the parallel be fairly run and I cheerfully abide your decision and that of our common constituents.

It should be recollected by my fellow-citizens, in making an estimate of my humble public services, that their partiality transferred me directly from the camp to the cabinet. I responded to their call with no reluctance, but that growing out of a serious distrust of my abilities; and should I have failed (and I trust I have not) to fulfil their just expectations, they will, in the same generous confidence which they exercised in calling me to serve them, ascribe my faults not to neglect, or intentional error, but to the want of wisdom and experience. That I have committed errors, there is no doubt; and that I have failed in some particulars to press measures and to employ means best calculated for public advantage, there is quite as little; but I am sustained in the belief that no wrong or vicious motives are ascribed to me in any quarter, and I have great reason to believe that the mass of my fellow-citizens award to me the credit of having devoted my best powers and energies, under the limited authority I possessed, for the develop-

ment, as well as for the political and moral improvement which our State so much needed.

You, gentlemen, have before you a field for your labors, broad and favorable, almost without an example. The spirit of the age is progressive: and, as far as is consistent with prudence and sagacity, let it be encouraged; but banish, I beseech you, from your councils, all visionary and utopian schemes. Especially I invoke you to drive from your midst all selfish, sectional and ignoble feelings. If the age is progressive it should also be utilitarian. We have position and name, and we have means. Let the first be guarded, even with jealousy; and the latter employed with judgment and care.

It is your part to assist, under singularly felicitous circumstances in the erection of a noble superstructure upon a foundation that has been layed by the sacrifices of Patriots, most of whom have passed to their reward. When, therefore, you are in the progress of your official labors, have a respect for the past, and look with manly and philosophic calmness to the future.

I salute you, gentlemen, with respect and kindness, and when the time arrives for me to terminate my official relation with you, I shall do so with regret.

I sincerely trust that under the direction and support of a kind and overruling Providence, your deliberations may be characterised by harmony, prudence and foresight, and the result of your labors crowned with memorable success.

P. H. BELL.

On motion the House adjourned until two and-a-half o'clock,
P. M.

TWO AND-A-HALF OC'LOCK, P. M.

House met—rolled, called—quorum present.

Mr. Cannon moved a recess of ten minutes; lots.

Mr. White offered the following resolution:

Resolved, That 5,000 copies of the Governor's Message, in English, and 500 each in the German and Spanish languages, be printed for the use of the members of the House.

Mr. Dooly moved to amend by substituting 10,000 instead of 5,000; lost.

Mr. Turner of Rusk moved to strike out 5 and insert 3; lost.

Mr. Bourland offered the following amendment:

Add "in pamphlet form."

Mr. Crawford of Bexar offered to amend by striking out 500 copies in Spanish and insert 1,500; rejected.

Mr. Dooly moved to amend by striking out 500 in German, and insert 1,500.

Mr. Edwards offered to amend by striking out 500 in Spanish, and insert 1,000; adopted.

Mr. Hunt offered the following amendment: Strike out 500 and insert 1,000 in German; adopted.

The Senate announced, through their Secretary, that that body had concurred in the amendment made by the House, to the resolution relating to the election of Public Printer.

Mr. White moved to lay the resolution and amendment on the table; carried.

Mr. Cannon moved a recess of five minutes; carried.

Recess expired and House called to order.

On motion of Mr. Cannon, Mr. Wooten was excused from attendance on account of indisposition.

The Senate then appeared, headed by their President.

The rolls having been called, and a majority of each body being present, the two bodies in joint session went into the election of Public Printer.

Nominations were announced by the Speaker as being in order.

Mr. Charlton nominated Mr. J. W. Hampton.

Mr. Lewis nominated Ford & Walker.

Messrs. Hunt and Darden were appointed tellers on the part of the House.

Those voting for Mr. Hampton were—Messrs. Speaker, Banks, Baylor, Bell, Berry, Burney, Calvert, Cannon, Carlton, Collier, Cone, Crawford of W., Crosby, Daniel, Darden, Dulany, Ferris, Fowler, Gaston, Hall, Hart, Kingsbury, Laird, Loving, Lyday, Mallard, Marshall, Muckleroy, Melton of Hopkins, Melton of Navarro, Moore of Polk, Moore of Wood, Parsons, Randolph, Reily, Rogers, Shaw, Sims, Stapp, Stroud, Swearingen, Travis, Turner of Rusk, Vontress, White, Whitmore, Wiley, Wilson, Wood of Cass and Wood of Leon—50.

Those voting for Ford & Walker were—Messrs. Adrian, Billingsly, Birdwell, Boon, Bourland, Brown, Burke, Crawford of B., Dooly, Edwards, Fields, Franklin, Holman, Holland, Hord, Hunt, Lewis, Maverick, McColloch, Menifee, Rains, Roberts, Schleicher, Speights, Stout, Tait, Taylor, Thorp, Throckmorton, Walker and Witt—31.

On telling, it appeared that Ford & Walker had received on joint ballot forty-five, and that J. W. Hampton had received sixty-five votes—sixty-five being a majority of all the votes cast, the Speaker declared Mr. Hampton duly elected Public Printer.

On motion of Mr. Dooly, the resolution and amendment on printing the Governor's Message, were taken up and adopted.

Mr. Travis offered the following resolution :

Resolved, That this House create the office of Assistant Sergeant-at Arms and Assistant Doorkeeper, and that we go into an election of officers to fill the same.

On motion, the House adjourned until to-morrow, 9 o'clock, A. M.

AUSTIN, Thursday, November 10, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journals of yesterday read and adopted.

The Speaker then announced the Standing Committees as follows :

Committee on the Judiciary.—Messrs. Franklin, Dooly, Hall, Moore of P., Ferris, Wiley, Lewis, Maverick, Crosby, Vontress, Palmer, Mallard and Berry.

On State Affairs.—Messrs. Menifee, Marshall, Darden, Holman, Roberts, Throckmorton, Thorp, Wilson and Hord.

On Finance.—Messrs. Fields, White, Adrian, Burk, Turner of L., Holland, Taylor, Stapp and Rogers.

On Public Debt.—Messrs. Charlton, Bourland, Cannon, Parsons, Shaw, Menifee, Maverick, Wood, Turner of R., Bell, White and Palmer.

On Education.—Messrs. Randolph, Swearingen, Cone Cannon, Holland, Marshall, Sims, Laird, Loving, Ferris and Palmer.

On Land Office.—Messrs. Bourland, Rogers, Stroud, Throckmorton, Witt, McCulloch, Dooly, Banks and Kingsbury.

On Public Lands.—Messrs. White, Franklin, Vontress, Thorp, Melton of N., Muckelroy, Wood of L., Moore of Wood and Laird.

On Public Printing.—Messrs. Cone, Vontress, Fields, Marshall and Travis.

On Privileges and Elections.—Messrs. Hord, Taylor, Crawford of W., Moore of P., Muckelroy, Charlton and Crawford of Bexar.

On County Boundaries.—Messrs. Turner of L., Shaw, Loving, Wood of C., Gaston, Travis, Billingsly, Witt and Dulany.

On Private Land Claims.—Messrs. Burney, Whitmore, Darden, Dulany, Wooten, Laird, Tait, Baylor, Melton of N., Birdwell, Melton of H., Bell and Stapp.

On Public Buildings.—Messrs. Banks, Stout, Hart, Melton of H., Edwards, Birdwell, Daniel, Collier, McCulloch, Mallard and Ferris.

On Penitentiary.—Messrs. Wiley, Wilson, Moore of W., Wood of L., Boon, Fowler and Swearingen.

On Claims and Accounts.—Messrs. Rains, Parsons, Daniel, Stroud, Boon, Brown, Schleicher, Calvert and Moore of W.

On Internal Improvements.—Messrs. Hall, Bourland, Sims, Holman, Burks, Turner of R., Walker, Swearingen, Reily, Edwards, Kingsbury, Hunt, Crosby, Billingsly and Loving.

On Enrolled Bills.—Messrs. Crawford of W., Thorp, Darden, Parsons, Whitmore, Holland and Daniel.

On Contingent Expenses.—Messrs. McCulloch, Mallard, Brown, Throckmorton and Melton of N.

On Engrossed Bills.—Messrs. Speights, Hart, Cone, Taylor and Lyday.

On Federal Relations.—Messrs. Reily, Hord, Berry, Wiley, Hunt, Lewis, Collier, Mallard and Crosby.

The Speaker then announced that reports of committees were next in order.

Mr. Cone, chairman of a committee appointed on the part of the House to make inquiry relative to procuring a suitable room in which to hold their sessions, made the following report:

"That a large and commodious room can be obtained, over the store of Mr. Swenson, containing 1020 square feet, more space than the one we now occupy; furnished with stoves, and completely fitted up for our reception, provided we take it for one hundred days, for \$400; or by paying Mr. Swenson \$156, the cost of fitting it up, the room may be had for any length of time at \$3 per day."

On motion of Mr. Cone, the resolution and report of the committee were laid on the table.

PETITIONS.

Mr. Throckmorton presented the petition of H. M. Crabb, contesting the seat of Andrew P. Wiley; referred to the committee on Privileges and Elections.

Mr. Melton of Hopkins presented the petition of sundry citizens of Hopkins county; referred to the committee on Internal Improvements.

Mr. Fields presented the petition of Christopher Bryan; referred to the committee on Public Debt.

Mr. Speights presented the petition of various citizens of Jasper county, for the incorporation of Indian Creek Academy; referred to the committee on State Affairs.

Mr. Stout presented the petition of James J. Ward for relief; referred to the committee on State Affairs.

Mr. Turner of Rusk presented the petition of sundry citizens of Rusk county; referred to the committee on the Judiciary.

Mr. McCulloch presented the petition of John A. Wells; referred to the committee on Private Land Claims.

Mr. Randolph presented the petition of Joseph Denson; referred to the committee on Private Land Claims.

Mr. Randolph presented the petition of W. D. Harrison, C. W. Butler and the heirs of C. Lovelady; referred to the committee on Private Land Claims.

Mr. Speights presented the petition of L. E. Griffith; referred to the committee on Private Land Claims.

Mr. Wilson presented the petition of Samuel Stocks; referred to the committee on Private Land Claims.

Mr. Ferris presented the petition of the heirs of Walter H. Gilbert, for relief; referred to the committee on Private Land Claims.

Mr. Ferris presented the petition of James K. Hurst, for relief; referred to the committee on Private Land Claims.

Mr. White presented the petition of A. Dorsheimer, for relief; referred to the committee on Private Land Claims.

Mr. Wooten presented the petition of Jacob Craft; referred to the committee on Private Land Claims.

Mr. Roberts presented the petition of Asa Biggs; referred to the committee on Private Land Claims.

Mr. Hall presented the petition of sundry citizens of Harrison county, relative to rondo; referred to the committee on the Judiciary.

Mr. Hall presented the petition of James D. Campbell and R. L. Hightower; referred to the committee on the Judiciary.

Mr. Sims presented the petition of J. M. Bevins, for relief; referred to the committee on Claims and Accounts.

Mr. Wilson presented the petition of James H. Boyd, for relief; referred to the committee on Private Land Claims.

BILLS AND RESOLUTIONS.

Mr. Taylor offered the following resolution:

Resolved, That the committee on Public Buildings be, and are hereby instructed, to inquire into the manner in which the public funds have been used, as far as applicable to the building of the State Capitol, and whether the bonds given by the contractor are in accordance with the law authorizing the same; also to inquire into the manner in which that part of the appropriation which was made for the purchase of furniture for said

Capitol has been complied with, and when said Capitol will be ready for the reception of the Legislature, and that said committee have power to send for persons and papers ; adopted.

Mr. Crawford of Washington offered the following resolution :

Resolved, That the Speaker appoint a committee of one from each Judicial District of the State, to be styled the "Pacific Rail Road Committee," with the privilege of electing their own chairman.

On motion of Mr. Charlton, the resolution was laid on the table.

Mr. Charlton offered the following resolution :

Resolved, That the Speaker of the House of Representatives appoint the additional Standing committees, viz : Committee on Indian Affairs, and a committee on Roads, Bridges and Ferries ; adopted.

Mr. Wiley introduced a bill to incorporate the Texas and Red River Telegraph Company ; read first time.

Mr. Wiley moved a suspension of the rule in order that the bill might pass to a second reading ; lost.

Mr. Witt introduced a bill for the relief of America Elkins ; read first time.

Mr. Berry introduced a bill to require the Commissioner of the General Land Office to furnish to the District and County Surveyors of the several counties of this State, an abstract shewing what surveys represented upon the maps in his office have become forfeited by the failure to return the field-notes of the same, as provided by an act approved 10th day of February, A. D. 1852 ; read first time.

Mr. Swearingen offered the following resolution :

Resolved, That the House proceed to the election of Chaplain.

On motion of Mr. Schleicher, the resolution was laid on the table.

Mr. Cone offered the following resolution :

Resolved, That a committee of three be appointed on the part of the House of Representatives to confer with a committee appointed yesterday by the Senate, for the purpose of learning from the Commissioners at what time the Capitol would be ready for our reception, and that said committee of the House be requested to make a report as soon as practicable ; adopted.

The Speaker appointed the following members on said committee : Messrs. Cone, Rogers and Ferris.

Mr. Throckmorton offered the following resolution :

Resolved, That the committee on Public Printing be author-

ized to contract with the publishers of the "State Gazette" and "South-Western American, for fifteen tri-weekly copies of each of said papers, for the use of each member of this House.

Mr. Randolph offered the following amendment: "One of which shall contain the proceedings and the other the debates of the House of Representatives;" accepted.

Mr. Wiley moved to amend, by striking out fifteen and insert twenty-five.

On motion of Mr. Charlton, the amendment was laid on the table.

Mr. Stout offered the following amendment: "Strike out fifteen and insert five."

On motion of Mr. Turner of Rusk, the amendment was laid on the table.

Mr. Hord offered the following substitute, which was adopted:

Resolved, That the committee on Public Printing be authorized to subscribe for ten numbers of each issue of the Tri-Weekly Gazette and S. W. American, for each member of the House, provided one paper publishes the proceedings and the other the debates of the House.

On motion of Mr. Burney, the business on the Speaker's table was taken up.

The following resolution was taken up:

Resolved, That this House create the offices of Assistant Sergeant-at-Arms and Assistant Doorkeeper, and that we go into an election of officers to fill the same.

Mr. Taylor moved to amend by adding—and Reporter; lost.

Mr. Crawford of Washington moved to amend by adding Chaplain; lost.

Mr. Crawford of Washington offered the following resolution:

Resolved, That the House now go into an election of Reporter, Assistant Doorkeeper and Chaplain.

On motion of Mr. Stapp, the resolution was laid on the table.

On motion of Mr. Franklin, the question was reconsidered—yeas and nays called for and the vote stood as follows:

YEAS.—Messrs. Speaker, Banks, Billingsly, Boon, Bourland, Brown, Burke, Cannon, Charlton, Cone, Crawford of B., Darden, Dooly, Dulany, Edwards, Fields, Franklin, Hart, Holland, Kingsbury, Maverick, Muckleroy, Menifee, Melton of H., Melton of N., Rains, Randolph, Schleicher, Shaw, Sims, Speights, Stapp, Tait, Taylor, Thorp, Throckmorton, Vontress, Wiley, and Wood of Leon.—39.

NAYS.—Messrs. Adrian, Bell, Berry, Birdwell, Butney, Calvert, Collier, Crawford of W., Crosby, Daniel, Ferris, Gaston,

Hall, Holman, Hord, Hunt, Laird, Lewis, Loving, Lyday, Mallard, Marshall, McCulloch, Moore of Polk, Moore of Wood, Parsons, Reily, Roberts, Rogers, Stout, Swearingen, Travis, Turner of Rusk, Walker, White, Whitmore, Wilson, Witt, Wood of Cass, and Wooten.—40.

Resolution lost.

Mr. Hord offered the following substitute :

Resolved, That the House create the office of Assistant Sergeant-at-Arms, and that they proceed to the election of said officer ; rejected.

Mr. Thorp offered the following resolution :

Resolved, That the House create the offices of Assistant Sergeant-at-Arms and Assistant Doorkeeper, and go into an election to fill said offices at 3 o'clock, P. M. ; lost.

Mr. Crawford of Washington moved to amend by striking out all after the word Doorkeeper ; adopted.

The resolution as amended, read as follows :

Resolved, That this House create the offices of Reporter, Assistant Sergeant-at-Arms, and Assistant Doorkeeper.

The House adopted the resolution as amended.

Mr. Randolph moved to refer the question to the committee on State Affairs ; lost.

Mr. Crosby moved to adjourn until to-morrow, 9 o'clock, A. M. ; lost.

Mr. Stout moved to adjourn until 3 o'clock, P. M. ; lost.

A bill to amend the 5th section of an act to be entitled an Act to regulate Ferries, approved January 23d, 1850 ; read second time and referred to the committee on Roads, Bridges and Ferries.

Mr. Vontress moved to adjourn until 3 o'clock ; lost.

Mr. Crawford of Washington, moved to adjourn until 2 o'clock ; lost.

Mr. Cannon's resolution relative to counting and telling the votes for Governor and Lieutenant-Governor was read and adopted.

Mr. Swearingen offered the following resolution :

Resolved, That the committee on Contingent Expenses be instructed to make arrangements to pay the Post Master out of the contingent fund for the use of the House, all postage on newspapers and public documents on which postage is required by law, which may be sent through the post office by the members of the House during the present session ; adopted.

Mr. Crawford of Washington offered the following resolution :

Resolved, That the office of Chaplain be created :

Mr. Charlton moved to adjourn until to-morrow morning, 10 o'clock ; lost.

Mr. Moore of Polk moved to adjourn until 2 o'clock, P. M. lost.

The question on the adoption or rejection of the resolution introduced by Mr. Crawford of Washington, being before the House, the yeas and nays were called for, and stood as follows :

YEAS.—Messrs. Adrian, Banks, Baylor, Bell, Berry, Boon, Bourland, Burney, Calvert, Cannon, Cone, Crawford of B., Crawford of W., Crosby, Daniel, Darden, Dulaney, Ferris, Franklin, Fowler, Gaston, Hall, Hart, Holland, Kingsbury, Laird, Lewis, Loving, Mallard, Marshall, McCulloch, Menitee, Moore of P., Moore of W., Parsons, Rains, Randolph, Reily, Roberts, Sims, Stapp, Stout, Swearingen, Thorp, Throckmorton, Travis, Turner of R., Vontress, Walker, White, Whitmore, Wilson, Witt, Wood of C., and Wooten.—54.

NAYS.—Messrs. Speaker, Billingsly, Birdwell, Brown, Burk, Charlton, Collier, Dooly, Edwards, Fields, Hord, Lyday, Maverick, Muckleroy, Melton of H., Melton of N., Rogers, Schleicher, Shaw, Speights, Tait, Taylor, Wiley and Wood of L.—25.

Mr. Travis introduced the following resolution :

Resolved, That the House go into the election of Assistant Sergeant-at-Arms, Assistant Doorkeeper, Chaplain and Reporter, at 3 o'clock, P. M.

On motion the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present:

Mr. Charlton moved that the House adjourn until to-morrow morning at 9 o'clock.

The yeas and nays being called for, stood as follows :

YEAS.—Messrs. Speaker, Banks, Bell, Billingsly, Burke, Burney, Charlton, Collier, Cone, Crawford of W., Crosby, Dulaney, Ferris, Fields, Franklin, Hall, Hart, Holman, Holland, Hord, Hunt, Kingsbury, Lewis, Loving, Mallard, Maverick, Muckleroy, McCulloch, Moore of P., Rains, Randolph, Reily, Rogers, Schleicher, Speights, Stroud, Taylor, Thorp, Travis, Turner of R., Vontress, Walker, White, Wilson, Wiley, Wood of C.—46.

NAYS.—Messrs. Adrian, Berry, Birdwell, Boon, Bourland, Brown, Calvert, Cannon, Crawford of B., Daniel, Edwards, Fowler, Gaston, Laird, Lyday, Marshall, Menifee, Melton of H., Melton of N., Moore of W., Parsons, Roberts, Shaw, Sims,

Stout, Swearingen, Tait. Throckmorton, Whitmore, Witt, Wood, of L., Wooten.—32.

The House adjourned until to-morrow morning at 9 o'clock.

AUSTIN, November 11, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

On motion of Mr. Reily, Mr. Palmer came forward, presented his credentials, took the oath of office and his seat.

PETITIONS.

Mr. Crawford of Washington presented the petition of B. G. Riden; referred to the committee on Private Land Claims.

Mr. White presented the petition of W. C. Howard; referred to the committee on Private Land Claims.

Mr. Throckmorton presented the petition of W. Kennedy; referred to the committee on Public Debt.

Mr. Randolph presented the petition of Thomas G. Box; referred to the committee on Public Lands.

Mr. Speights presented the petition of S. H. Morris and Harriet Collins; referred to the committee on Private Land Claims.

Mr. Burke presented the petition of sundry citizens of Jasper county; referred to the committee on Education.

Mr. Roberts presented the petition of Henry Kelton; referred to the committee on Claims and Accounts.

Mr. Lewis presented the petition of the heirs and legal representatives of Stephen Prather; referred to the committee on Private Land Claims.

Mr. Cone, chairman of the committee appointed on part of the House, to confer with the committee appointed by the Senate to inquire of the commissioners and contractors of the Capitol, as to the time it might be made ready for the occupancy of the Legislature, made the following report:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee appointed upon the part of the House of Representatives, to confer with the committee appointed by the Senate to enquire of the commissioners and contractors of the Capitol as to the time it might be made ready for the occupancy of the Legislature, have instructed me to report that the committee of the Senate is a standing committee, and having other duties to

perform in connection with the one specified, will not be able in all probability, to make a report in some days.

The committee of the House, deeming it important to learn as soon as possible the time at which they might occupy the Representative Hall, proceeded to the Capitol and instituted an inquiry themselves. The commissioners, Dr. Haynie and Capt. Swisher, together with Mr. Cook, one of the contractors, assured the committee that they could have the Hall ready and comfortably furnished by the 21st of the present month, and that in one week after, the Senate could take possession of their Chamber. By the 21st of this month the work will be so advanced that the sessions of the House will not be interrupted by the noise of workmen, and Mr. Cook, the contractor for the wood work, proposes to cease his operations until the Legislature shall have adjourned. The committee are satisfied that in a short time the Capitol will be ready, and have so instructed me to report.

H. CONE, Chairman.

BILLS AND RESOLUTIONS.

Mr. Wooten offered the following resolution :

Resolved, That the Chief Clerk furnish the House with six of De Cordova's large maps of Texas. One each to the committees on the Judiciary, Internal Improvements, Counties and County Boundaries and Indian Affairs ; and two for the use of the members respectively.

Mr. Hord offered to amend by striking out six and inserting seven ; also to insert committees on Privileges and Elections ; accepted.

Resolution as amended, adopted.

Mr. Bourland introduced a bill to repeal the 3rd section of the 10th Article of the Constitution of the State of Texas ; read first time.

Mr. Taylor introduced a bill granting to settlers on vacant public domain, pre-emption privileges ; read first time.

Mr. Calvert introduced a bill to authorize the Clerk of the County Court of Milam county, to transcribe certain records ; read first time.

Mr. McCulloch, chairman of the committee on Contingent Expenses, made the following report :

Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Contingent Expenses have instructed me to report: In compliance with a resolution passed by the House of Representatives on yesterday, instructing said committee to make

arrangements to pay the Postmaster out of the Contingent Fund for the use of the House, all postage on newspapers and public documents on which postage is required by law, which may be sent through the Post Office by the members of the House, during the present session, have attended to that duty, and made the arrangement as instructed, and respectfully suggest to the members of the House the necessity of writing their names accompanied with the letters H. R. plainly on the cover, in order that the House be charged with nothing but what is sent by its members. Respectfully submitted,

H. E. McCULLOCH, Chairman.

Mr. Parsons introduced a bill to adjust and apportion the public debt of Henderson county; read first time.

Mr. Throckmorton introduced a bill for the relief of Larkin Adamson; read first time.

Mr. Sims introduced a bill to amend an act concerning surveys of land, approved February 10th, 1852; read first time.

Mr. Fields introduced a bill to make valid patents to lands issued in the name of persons who may be dead at the time of issue; read first time.

Mr. Parsons introduced a bill for the relief of the citizens of Mercer's colony; read first time.

Mr. Roberts introduced a bill to legitimize Jerome Latham; read first time.

Mr. Berry introduced a bill to amend the 45th and 46th sections of an act to regulate proceedings in the District Court, approved May 13th, 1846; read first time.

Mr. Berry introduced a bill for the improvement of public roads; read first time.

Mr. McCulloch introduced a bill to provide additional funds for the purposes of education; read first time.

Mr. Adrian introduced a joint resolution to amend the 27th section of the general provisions of the Constitution; read first time.

Mr. Wilson introduced a bill to change the 5th section of an act creating the county of Tarrant, approved December 20th, 1849; read first time.

The Speaker then announced the following additional standing committees:

Committee on Indian Affairs.—Mr. Holman, Chairman; Baylor, Schleicher, Walker, Stapp, Burney, Ferris, Crosby, Fowler.

Committee on Roads, Bridges and Ferries.—Mr. Sims,

Chairman ; Adrian, Crawford of Bexar, Hart, Gaston, Bell, Calvert.

On motion of Mr. Reily, Mr. Palmer was added to the committees on Public Debt and Judiciary.

On motion of Mr. Charlton, Mr. Mallard was added to the committee on the Judiciary.

On motion of Mr. Charlton, the business on the Speaker's table was taken up.

A bill to incorporate the Texas and Red River Telegraph Company, was read second time, and referred to the committee on Internal Improvements.

A bill for the relief of America Elkins, was read second time, and referred to the committee on State Affairs.

A bill to require the Commissioner of the General Land Office to furnish the district and county surveyors of the several counties of this State, an abstract showing what surveys represented upon the maps in his office, have become forfeited by the failure to return the field notes of the same, as provided by an act approved the 10th February, A. D. 1852 : read second time, referred to the committee on Public Lands.

On motion, the following resolution was taken up and adopted :

Resolved, That the House go into the election of Assistant Sergeant-at-Arms, Assistant Doorkeeper, Chaplain and Reporter, at 3 o'clock, P. M.

Mr. Crawford, of Washington, moved for a division of the question ; carried.

The House then went into the election of Assistant Sergeant-at-Arms

Nominations were then announced as being in order.

Mr. Holman nominated Mr. Luter.

" McCulloch " " R. S. Howard.

" Fields " " McNabb.

Messrs. Fields, Mallard and Moore of Polk, were appointed tellers. Upon telling the vote it appeared that Mr. Luther had received 35 votes, Howard 31, McNabb 6 and Blank 8.

Neither candidate having received a majority of the votes cast, the House proceeded to a second ballot.

On telling the votes, it appeared that Mr. Luther had received 35 votes, Howard 35, McNabb 3, Blank 7.

Neither of the candidates having received a majority of the votes cast, Mr. Vontress withdrew the names of Blank and Mr. McNabb, and the House proceeded to a third ballot.

On telling the vote it appeared that Mr. Howard had received 37 votes, Mr. Luther 40 and Blank 4.

No one having received a majority, the House proceeded to a fourth ballot.

On telling the vote, it appeared that Mr. Howard had received 37 votes, Mr. Luter 43 and Blank 1.

Mr. Luter having received a majority of all the votes cast, was declared by the Speaker duly elected Assistant Sergeant-at-Arms of the House of Representatives.

The House then proceeded to elect an Assistant Doorkeeper.

Nominations were announced as being in order.

Mr. Turner of Rusk, nominated Mr. Plasters.

“ Bourland “ “ Whaitly.

On telling the vote it appeared that Mr. Plasters had received 53 votes and Mr. Whaitly 27.

Mr. Plasters having received a majority of all the votes cast, was declared by the Speaker duly elected Assistant Doorkeeper.

Election of Chaplain being next in order, Mr. Fields moved to defer the election until Monday, 11 o'clock, A. M.

The yeas and nays were called for and stood as follows :

YEAS.—Messrs. Speaker, Banks, Bell, Billingsly, Bourland, Burk, Cannon, Charlton, Collier, Crawford of B., Crosby, Darden, Dooly, Dulany, Edwards, Fields, Kingsbury, Lyday, Mallard, Maverick, Muckleroy, Melton of H., Melton of Navarro, Moore of Polk, Palmer, Parsons, Rains, Randolph, Rogers, Schieicher, Shaw, Speights, Tait, Taylor, Thorp, Throckmorton, Vontress, Wiley, Witt, White, Wood of Leon.—40.

NAYS.—Messrs. Adrian, Baylor, Berry, Birdwell, Brown, Burney, Calvert, Cone, Crawford of W., Daniel, Ferris, Franklin, Gaston, Hall, Hart, Holman, Hunt, Laird, Lewis, Loving, Marshall, McCulloch, Meniffee, Moore of Wood, Reily, Roberts, Sims, Stapp, Stout, Stroud, Swearingen, Travis, Turner of Rusk, Walker, White, Wilson, Wood of Cass, Wooten.—39.

Nominations then being in order,

Mr. Turner of Rusk, nominated Rev. Mr. Craig.

“ Lewis “ “ Baker.

“ Meniffee “ “ Smith.

On telling the vote it appeared that Mr. Craig had received 35 votes, Mr. Baker, 18, Mr. Smith, 21, Mr. Taliaferro 1, the Pope 1 and Blank 5.

Neither of the candidates having received a majority of the votes cast, the House proceeded to a second ballot.

On telling the vote it appeared that Mr. Craig had received 43 votes, Mr. Baker 16, Mr. Smith 19, Blank 1, Shortwork 1, Barrett 1, Mr. Vance 1, Skewbattenden 1.

Mr. Craig having received a majority of all the votes, was

declared duly elected Chaplain of the House of Representatives.
The House then went into the election of Reporter.

Nominations being next in order, Mr. Bourland nominated Mr. Weeks.

There being no other nomination before the House, the tellers proceeded to tell the vote, which stood as follows :

Mr. Weeks received 69 votes, Blank 4, Mr. Snooks 1, and Mr. Shortfinger 1.

Mr. Berry offered the following resolution :

Mr. Weeks having received a majority, was declared duly elected.

Resolved, That the officers, Assistant Sergeant-at-Arms, Assistant Doorkeeper and Chaplain, this day elected, shall receive for their services three dollars per day, out of the contingent fund of this House, for every day of their actual attendance.

On motion of Mr. Randolph, the resolution was laid on the table.

Mr. Laid introduced a bill authorizing and requiring the Commissioner of the General Land Office to issue a certificate to the heirs of James Rose, deceased ; read first time.

On motion of Mr. Hord, the rule referring a bill to require the Commissioner of the General Land Office to furnish to the district and county surveyors of the several counties of this State, an abstract showing what surveys represented upon the maps in his office, have become forfeited by the failure to return the field notes of the same, as provided by an act approved the 10th February, A. D. 1842, was reconsidered and referred to the committee on the Judiciary.

On motion, the House adjourned until to-morrow, 6 o'clock, A. M.

AUSTIN, November 12, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

The officers of Assistant Segeant-at-Arms, Assistant Doorkeeper and Reporter, then came forward and were qualified.

The Speaker then announced that there were communications addressed to the Speaker on his table.

On motion of Mr. Fields, said communications were taken up and read.

The following communication was then read :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The undersigned have the honor, on behalf of the citizens of San Antonio, to invite the Honorable the members of the House of Representatives, to meet Gen. T. J. Rusk at dinner, on the 19th inst., in this city. Respectfully your obedient servants,

JNO. D. McLEOD,
R. E. CLEMENTS,
GEO. T. HOWARD,
D. C. OGDEN,
GEO. CUPPLES,
WM. B. JAQUES,
TRO. WARD,
J. S. McDONALD.

City of Austin, Novembor 11th, 1353.

On motion of Mr. Stapp, the House accepted the invitation.

A communication relative to the contested election from Walker county, was, on motion of Mr. Taylor, referred to the committee on Privileges and Elections.

A message was received from the Senate through their Secretary, announcing to the House that that body had adopted the resolution of the House to count the votes of Governor and Lieutenant Governor, with an amendment.

On motion of Mr. Charlton, the resolution was taken up and amendment concurred in.

PETITIONS.

Mr. Cannon presented the petition of David Cook for relief, which, with accompanying documents, was referred to the committee on Claims and Accounts.

Mr. Fields presented the petition of sundry citizens of Liberty county; referred to the committee on State Affairs.

Mr. Fields presented the petition of Benj. Hubert: referred to the committee on Private Land Claims.

Mr. Reilly presented the petition of J. E. Clements; referred to the committee on Private Land Claims.

Mr. Reilly presented the petition of N. and Louis Rousseau; referred to the committee on Private Land Claims.

Mr. Reilly presented the petition of Sarah L. Russell and Leslie Coombs; referred to the committee on Public Debt.

Mr. Banks presented the petition of Hugh Anderson; referred to the committee on Private Land Claims.

Mr. Laird presented the petition of sundry citizens of Rusk county; referred to the committee on Education.

Mr. Crawford of Washington, presented the petition of Thos. Hunt, attorney of the heirs of Alex. Dunlap ; referred to the committee on Private Land Claims.

Mr. Throckmorton presented the petition of the Trustees of the Texas Orphan Asylum ; referred to the committee on State Affairs.

Mr. Adrian presented the petition of sundry citizens of Smith county ; referred to the committee on Finance.

Mr. Hall presented the petition of Francis Ramsdale ; referred to the committee on Private Land Claims.

Mr. Lewis presented the petition of sundry citizens of Shelbyville ; referred to the committee on Roads, Bridges and Ferries.

Mr. Rogers presented the petition of L. B. Shelton ; referred to the committee on the Judiciary.

Mr. Edwards presented the petition of C. J. Cook and A. A. Lockwood ; referred to the committee on Federal Relations.

Mr. Lewis presented the petition of Ransom H. Horn ; referred to the committee on Private Land Claims.

Mr. Marshall presented the petition of sundry citizens of Harrison county ; referred to the committee on the Judiciary.

BILLS AND RESOLUTIONS.

Mr. Parsons offered the following resolution :

Resolved, That the committee on Contingent Expenses be instructed to contract with the Postmaster of this city for the transmission and reception of all letters free of postage to the members of this House, during the present session, which, on motion of Mr. Stout was laid on the table.

On motion of Mr. Cannon, Mr. Palmer was added to the committee on Education.

Mr. Cannon introduced a bill to authorize and require the Commissioner of the General Land Office to issue a certificate to the heirs of William E. Probert, deceased, for land ; read first time.

Mr. Cannon introduced a bill to authorize and require the Commissioner of the General Land Office to issue a certificate for 640 acres of land to the heirs of W. E. Probert ; read first time.

Mr. Laird introduced a bill to incorporate the New Danville Masonic Female Academy ; read first time.

The Hons. Houston, Rusk and Greer accepted the invitation of the Speaker to a seat within the bar.

Mr. Crosby offered the following resolution :

Resolved, That the committee on the Judiciary be requested

to inquire into the condition of the titles to lands in the counties of Presidio and El Paso, and that said committee be also requested to report by bill or otherwise, as to the most practicable, cheap and speedy method of investigating said titles; adopted.

Mr. Stout introduced a bill for the relief of Wm. Gaphney, deceased; read first time.

Mr. Witt introduced a bill to amend the 30th section of an act to organize Justice's Courts and to define the powers and jurisdiction of the same, approved March 20th, 1848; read first time.

Mr. Wood of Cass introduced a bill to incorporate the Linden Male and Female Academy and Masonic Hall; read first time.

Mr. Gaston introduced a bill to incorporate the Mound Prairie Institute; read first time.

On motion of Mr. Crosby, Mr. Stapp was added to the committee on Private Land Claims.

Mr. Swearingen introduced a bill to amend an act supplementary to an act authorizing and requiring County Courts to regulate roads, appoint overseers and establish ferries, &c., approved December 20th, 1836; read first time.

Mr. Burney introduced a bill to authorize and require the Commissioner of the General Land Office to issue a patent to the assignee of James O. Rice; read first time.

Mr. Palmer introduced the following resolution:

Resolved, That Messrs. Maverick and Edwards of Bexar, be permitted to exchange places on the Judiciary and Internal Improvement committees; adopted.

Mr. Moore of Polk introduced the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of repealing the entire probate law of this State, and enacting a substitute therefor, or to make such amendments to said law as may be necessary, and report by bill or otherwise, to this House, at their earliest convenience; adopted.

Mr. Melton of Navarro introduced a bill to legalize the acts of Alexander Beaton, Notary Public of Navarro county; read first time.

Mr. Ferris introduced a bill to amend an act regulating fees of office, approved March 20th, 1848; read first time.

Mr. Lewis introduced a bill to repeal the 1st section of an act concerning juries, approved February 16th, 1852; read first time.

The House then adjourned until a quarter past two o'clock, P. M.

QUARTER PAST TWO O'CLOCK, P. M.

House met—roll called—quorum present.

The Senate appeared, headed by the Hon. M. D. K. Taylor, President *pro tem.*, who was invited to a seat on the right of the Speaker, and Senators to seats provided for them. The two Houses in joint session then proceeded to count and publish the votes for Governor and Lieutenant-Governor.

Messrs. Reily and Turner of Rusk were appointed tellers on the part of the House. On telling the vote it appeared that

FOR GOVERNOR,

Mr. E. M. Pease had received	13,091 votes.
" W. B. Ochiltree "	9,178 "
" G. T. Wood "	5,983 "
" L. D. Evans "	4,677 "
" T. J. Chambers "	2,449 "
" Jon. Dancy "	315

FOR LIEUTENANT-GOVERNOR,

Mr. D. C. Dickson had received,	14,215 votes.
" J. B. Robertson "	6,898 "
" R. N. Goode "	885 "
" J. E. Kirby "	5,967 "
" W. C. Henry "	4,823 "

Mr. Pease having received a plurality of all the votes cast for Governor, was declared by the Speaker duly and constitutionally elected Governor of the State of Texas, for the term of two years from and after the 21st December, A. D. 1853, that being the regular day of installation.

Mr. Dickson having received a plurality of all the votes cast, was declared by the Speaker duly and constitutionally elected Lieutenant-Governor of the State of Texas, for the term of two years from and after the 21st day of December, A. D. 1853, that being the regular day of installation.

On motion, the House adjourned to Monday morning, 10 o'clock.

AUSTIN, November 14, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of Saturday last read and adopted.

PETITIONS.

Mr. Witt presented the petition of Jonathan S. Lee; referred to the committee on Private Land Claims.

Mr. Schleicher presented the petition of J. Ulrich ; referred to the committee on Public Lands.

Mr. Burke presented the petition of sundry citizens of Sabine county ; referred to the committee on Private Land Claims.

Mr. Dulaney presented the petition of Mary S. Snider ; referred to the committee on Private Land Claims.

Mr. Adrian presented the petition of Jacob L. Briggs ; referred to the committee on Public Lands.

Mr. Reily presented the petition of L. H. W. Johnston ; referred to the committee on Claims and Accounts.

Mr. Reily presented the petition of James Curry and others, emigrants from England in 1844 to Peters' Colony ; referred to the committee on Public Lands.

Mr. Stout presented the petition of William Harrison ; referred to the committee on the Judiciary.

Mr. Stout presented the petition of W. G. Miller ; referred to the committee on Private Land Claims.

Mr. Parsons presented the petition of Milton W. Damron ; referred to the committee on Private Land Claims.

Mr. Fields presented the petition of William Sanderson, administrator of Harvey Sanderson, deceased ; referred to the committee on Public Debt.

Mr. Marshall presented the petition of R. W. Loughery ; referred to the committee on Claims and Accounts.

Mr. Speights presented the petition of Burwell J. Thompson ; referred to the committee on Private Land Claims.

Mr. Sims presented the petition of Sylvester Williams ; referred to the committee on Public Lands.

Mr. Lewis presented the petition of J. P. Border ; referred to the committee on Private Land Claims.

Mr. Hall presented the petition of Isaac Walters and others, for land ; referred to the committee on Private Land Claims.

Mr. Hall also presented the petition of Isaac Walters and Rhody Walters, for land ; referred to the committee on Private Land Claims.

Mr. Lewis presented the petition of the heirs of Thomas Scott ; referred to the committee on Private Land Claims.

Reports of Standing committees being next in order,

Mr. Randolph, chairman of the committee on Education, made the following report :

AUSTIN, November 14, 1853.

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Education, to whom was referred the peti-

tion of sundry citizens of Jasper county, praying the Legislature to incorporate "Indian Creek Academy," have had the same under consideration, and a majority of said committee have instructed me to report the accompanying bill for their benefit, and recommend its passage.

C. H. RANDOLPH, Chairman.

BILLS AND RESOLUTIONS.

Mr. Randolph, chairman of the committee on Education, reported a bill to incorporate Indian Creek Academy; read first time.

Mr. Stapp introduced a bill for the relief of James McMicken; read first time.

Mr. Fields introduced a bill to prevent free persons of color from emigrating to and settling in this State; read first time.

Mr. Cone introduced a bill to construct the Mississippi and Pacific Railroad; read first time.

Mr. Daniel introduced a bill to incorporate the town of Fairfield; read first time.

Mr. Birdwell introduced a bill to prevent the practice of carrying concealed weapons; read first time.

Mr. Burney introduced the following resolution:

Resolved, That the documents accompanying the Governor's Message be referred to the committee on Public Printing, with instructions to select such as are necessary to be printed, and have a supplement number of the same printed for the use of the House; adopted.

Mr. Franklin introduced a bill authorizing two copies of the seal of the Supreme Court, to be made for the use of said court; read first time.

Mr. Throckmorton introduced the following resolution:

Resolved, That so much of the Governor's Message as refers to the Land Office, together with the Commissioner's report, be referred to the committee on the Land Office; and so much of the message as relates to the survey of the residue of the fifty leagues of University lands, as have not been located, be referred to the same committee; adopted.

Mr. Dooly introduced a bill to relinquish to residents of the State who have purchased or may hereafter purchase lands in good faith. the right of the State to such lands, not exceeding 640 acres; read first time.

Mr. Swearingen introduced a bill to repeal the 1st clause of the 5th section of an act entitled an act to establish the Texas Orphan Asylum; read first time.

Mr. Adrian introduced a joint resolution to provide for amend-

ing the 30th section of the general provisions of the Constitution of the State of Texas; read first time.

Mr. Melton of Hopkins introduced a bill to authorize Benjamin N. Hampton to build a toll bridge across the Rock Creek; read first time.

On motion of Mr. Wiley, Mr. Collier was added to the committee on the Penitentiary.

Mr. Palmer introduced a bill to authorize agents and attorneys to make necessary affidavits in certain cases; read first time.

Mr. Ranpolph introduced a bill to authorize and require the Commissioner of the General Land Office to issue a certificate to the heirs of E. J. W. Lowery; read first time.

Mr. Schleicher introduced a bill to extend the time for the return of field-notes of claimants to lands in Fishers and Miller's and Castro's Colonies; read first time.

Mr. Gaston introduced a bill to require the Chief Justice of counties to appoint overseers of roads in certain cases; read first time.

Mr. Gaston introduced a bill requiring overseers of roads to make report; read first time.

Mr. Hord offered the following resolution:

Resolved, That the Chief Clerk of the House be requested to furnish for the use of the House, a clock, to be paid for out of the Contingent Fund; rejected.

Mr. Palmer introduced a bill to repeal the 13th and 15th sections of an act entitled an act concerning wills; read first time.

Mr. Stapp introduced a bill authorizing the Commissioner of the General Land Office to employ Assistant Clerks and Draftsmen; adopted.

Mr. Cannon introduced a bill to repeal the 17th section of an act to regulate railroad companies, approved 7th February, 1853; read first time.

Mr. Marshall introduced a bill to authorize certain books of record, pertaining to the District Court of Harrison county, to be transcribed; read first time.

Mr. Throckmorton introduced a bill for the relief of Collin McKinney; read first time.

Mr. McCulloch introduced a bill to incorporate Jackson Division No. 9, Sons of Temperance; read first time.

Mr. Sims introduced a bill to authorize and require the Commissioner of the General Land Office to issue a certificate for a third of a league of land, to the heirs of J. C. Logan; read first time.

Mr. Sims introduced a bill to authorize and require the Adjutant General to issue a certificate for 2,560 acres of land to the heirs of J. C. Logan read first time.

Mr. Adrian introduced a bill to determine what lands have been forfeited to the State; read first time.

Mr. Wiley introduced the following resolution :

Resolved, That the committee on Public Printing be authorized and instructed to contract for ten copies of the Tri-weekly Gazette, and ten copies of the Tri-Weekly S. W. American, in addition to the number already provided, for the use of the members of this House.

On motion of Mr. Moore of Polk, the resolution was laid on the table.

Mr. Darden offered the following resolution :

Resolved, That the Speaker of the House of Representatives be and is hereby authorized to appoint a chaplain for the House, until the Rev. Mr. Craig, the chaplain elect, be ready to enter upon the discharge of his duties.

Mr. Charlton moved to lay the resolution on the table.

The yeas and nays being called for, stood as follows :

YEAS.—Messrs. Speaker, Baylor, Bell, Berry, Billingsly, Birdwell, Boon, Burke, Burney, Charlton, Crosby, Daniel, Dooly, Dulany, Ferris, Fields, Franklin, Holman, Holland, Laird, Maverick, Muckleroy, Menifee, Melton of Hopkins, Melton of Navarro, Rains, Randolph, Rogers, Schleicher, Shaw, Speights, Stroud, Tait, Taylor, Thorp, Throckmorton, Turner of Lavaca, Turner of Rusk, Walker, Whitmore, Riley, Wood of Cass, Wood of Leon and Wooten.—44.

NAYS.—Messrs. Adrian, Brown, Calvert, Cannon, Collier, Cone, Grawford of B., Darden, Fowler, Gaston, Hall, Hart, Hunt, Kingsbury, Lewis, Loving, Lyday, Marshall, McCulloch, Moore of Polk, Moore of Wood, Palmer, Parsons, Reily, Roberts, Sims, Stapp, Stout, Swearingen, Travis, Vontress, White and Witt.—32.

So the resolution was laid on the table.

Mr. Billingsly offered the following resolution :

Resolved, That the Commissioner of the General Land Office be requested to state to the House of Representatives, what width a belt of land will have to be, running on the parallel of 32 from the eastern border of the State to the western border, will contain 20,000,000 of acres of the public land of this State, and that a committee of two be appointed to furnish the Honorable Commissioner of the Land Office with a copy of this resolution.

Laid on the table one day for consideration.

Mr. Stapp offered the following resolution :

Resolved, That all that portion of the Governor's Message relative to railroads, be referred to the committee on Internal Improvements.

That portion relative to frontier defence and Indian Territory, to the committee on Indian Affairs.

That portion in relation to salaries of government officers, to the committee on Finance.

That portion in relation to Public Schools, to the committee on Education.

That portion relative to the Adjutant General's Office, to the committee on State Affairs.

That portion in relation to the Penitentiary, to the committee on the Penitentiary; adopted.

Mr. Marshall introduced a bill to regulate forced sales; read first time.

Mr. McCulloch introduced a joint resolution relative to our public domain and the settlement of our northern boundary; read first time.

Mr. Roberts introduced a bill repealing an act entitled an act to indemnify the owners for the loss of slaves executed for capital offences, approved January 24th, 1852; read first time.

ORDERS OF THE DAY.

A bill granting to settlers an public domain pre-emption privileges; read second time, and

On motion of Mr. Taylor, referred to the committee on Public Lands.

A bill to repeal the 3d section of the 10th article of the Constitution of the State of Texas, was read second time and referred to the committee on the Judiciary.

Joint resolution to amend the 27th section of the Constitution, was read the second time and referred to the committee on the Judiciary.

A bill authorizing and requiring the Commissioner of the General Land Office to issue a certificate to the heirs of James Rose, deceased, was read a second time and referred to the committee on Private Land Claims.

A bill to legitimize Jerome Latham; read second time and referred to the committee on the Judiciary.

A bill for the relief of the citizens of Mercer's Colony; read second time and referred to the committee on Private Land Claims.

A bill for the relief of L. Adamson; read second time and referred to the committee on Private Land Claims.

A bill to amend an act concerning surveys of land, approved February 20th, 1852; read second time and referred to the committee on Public Lands.

A bill to provide additional funds for the purposes of education; read second time, and, together with a substitute offered by Mr. Palmer, referred to the committee on Education.

A bill to apportion the public debt of Henderson county; read second time and referred to the committee on Counties and County Boundaries.

A bill to authorize the Clerk of the County Court of Milam county to transcribe certain records; read second time and referred to the committee on County Boundaries.

A bill to amend the 45th and 46th sections of an act to regulate proceedings in the District Court, approved May 13th, 1846; read second time and referred to the committee on the Judiciary.

On motion, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

A bill for the improvement of public roads; read second time, and on motion of Mr. Charlton, was referred to the committee on Roads, Bridges and Ferries.

A bill making valid patents to lands issued to persons who may be dead at the time of issue; read second time, and on motion of Mr. Maverick, referred to the committee on the Judiciary.

A bill to change the 5th section of the act creating the county of Tarrant; read second time, and on motion of Mr. Charlton, referred to the committee on Counties and County Boundaries.

A bill authorizing and requiring the Commissioner of the General Land Office to issue a certificate to the heirs of Wm. C. Probert, deceased; read second time, and on motion of Mr. Cannon, referred to the committee on Private Land Claims.

A bill authorizing and requiring the Commissioner of the General Land Office to issue a certificate for 640 acres of land, to the heirs of Wm. C. Probert, deceased; read second time, and on motion of Mr. Cannon was referred to the committee on Private Land Claims.

A bill to incorporate the New Danville Masonic Female Academy, read second time, and on motion of Mr. Laird, referred to the committee on Education.

A bill for the relief of the heirs of Wm. Gaphney; read sec-

ond time, and on motion of Mr. Stout, referred to the committee on State Affairs.

A bill to amend the 30th section of an act entitled an act to organize Justice's Courts, and to define the powers and jurisdiction of the same, approved March 20th, 1848; read second time, and on motion of Mr. Witt, referred to the committee on the Judiciary.

A bill to incorporate the Mound Prairie Institute; read second time, and on motion of Mr. Gaston, referred to the committee on Education.

A bill to amend an act supplementary to an act authorizing and requiring the county courts to regulate roads, appoint overseers, and establish ferries, &c., approved December 20th, 1836; read second time, and on motion of Mr. Franklin, was referred to the committee on Roads, Bridges and Ferries.

A bill to authorize and require the Commissioner of the General Land Office to issue a patent to the heirs of James O. Rice; read a second time, and on motion of Mr. Charlton, referred to the committee on Private Land Claims.

A bill to legalize the acts of Alexander Beaton, Notary Public of Navarro county; read second time, and on motion of Mr. Melton of Navarro, referred to the committee on the Judiciary.

A bill to amend an act regulating fees of office, approved March 20th, 1848; read second time, and on motion of Mr. Wood of Cass, referred to the committee on the Judiciary.

A bill to repeal the 1st section of an act concerning Justice's Courts, approved February 16th, 1852; read second time, and on motion of Mr. Dooly, referred to the committee on the Judiciary.

A bill to incorporate Linden Male and Female Academy; read second time, and on motion of Mr. Wood of Cass, referred to the committee on Education.

Mr. Crawford of Washington introduced a bill extending an act relinquishing to the counties the State tax for the years 1852 and 1853; read first time.

Mr. Turner of Rusk introduced a joint resolution requiring the Commissioner of the General Land Office to issue patents to all pre-emption claimants for 320 acres of land or less, the field-notes of which shall have been, or may be returned to the General Land Office by or before the first day of January, A. D. 1854.

Mr. Turner of Rusk moved a suspension of the rule requiring bills and joint resolutions to be read three several days; lost.

Mr. Calvert introduced a bill for the relief of Alexander McKinzie; read first time.

Mr. Reilly introduced a bill to quiet certain land titles ; read first time.

Mr. Palmer introduced a bill to provide for the investment of the Special School Fund in the bonds of Railroad Companies incorporated by the State ; read first time.

On motion, the House adjourned until to-morrow 10 o'clock, A. M.

AUSTIN, November 15, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Hunt presented the petition of John Burleson ; referred to the committee on Public Lands.

Mr. Taylor presented the petition of James M. Caldwell ; referred to the committee on Private Land Claims.

Mr. Fields presented the petition of N. D. Labadie, for a horse lost in the army of the late Republic of Texas ; referred to the committee on Public Debt.

Mr. Moore of Polk presented the petition of the heirs of Isaac Aldridge, deceased, for one-third of a league and one labor of land ; referred to the committee on Private Land Claims.

Mr. Witt presented the petition of the heirs of Jesse Watson ; referred to the committee on Private Land Claims.

Mr. Maverick presented the petition of Concepcion R. Majeras ; referred to the committee on Private Land Claims.

Mr. Baylor presented the petition of Wm. Boatright ; referred to the committee on Private Land Claims.

Mr. Reilly presented the petition of Robert Wilson ; referred to the committee on Claims and Accounts.

Mr. Throckmorton presented the petition of Colin McKinney ; referred to the committee on the Public Debt.

Mr. Melton of Navarro presented the petition of Elijah Anderson ; referred to the committee on Claims and Accounts.

Mr. Speights presented the petition of Burwell J. Thompson, for land ; referred to the committee on Private Land Claims.

Mr. McCulloch presented the petition of Dorothy Brenton ; referred to the committee on Private Land Claims.

Mr. Bell presented the petition of A. B. Burleson for land ; referred to the committee on Private Land Claims.

Mr. Turner of Lavaca presented the petition of Robert Taylor; referred to the committee on Private Land Claims.

Mr. Turner of Lavaca presented the petition of sundry citizens of Gonzales county; referred to the committee on County Boundaries.

Mr. Dooly presented the petition of the citizens of Gillespie county, praying for a land district; referred to the committee on County Boundaries.

Mr. Billingsly presented the petition of Everet E. Lynch and Rhoda A. Lynch; referred to the committee on Private Land Claims.

Reports of Standing committees being next in order, the chairman of the committee on State Affairs made the following reports:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on State Affairs, to whom was referred the petition of James J. Ward, have had the same under consideration.

The petitioner asks remuneration for a slave executed prior to the passage of the act of January 24th, 1852. Your committee deem it inexpedient and unwise to recommend the passage of the bill, as it would set a dangerous precedent in legislation; causing innumerable petitions for relief which the law never contemplated.

Your committee therefore report the petition back to the House, and ask to be discharged from its further consideration.

WM. MENIFEE, Chairman.

Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on State Affairs have had under consideration a bill for the relief of America Elkins, asking the compensation allowed her by law for the execution of a slave. Your committee have examined the accompanying proof of the execution of the slave, and find the same in accordance with the act of January 24th, 1852; therefore report the bill back to the House, and recommend its passage.

WM. MENIFEE, Chairman.

Mr. Cone, chairman of the committee on Public Printing, made the following report:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on Public Printing, acting under the several

resolutions of the House, giving them instructions as to the Governor's message and other matters, have instructed me to report that they have ordered five thousand copies of the Governor's message to be printed in English, one thousand in German, and the same number in the Spanish language. The committee employed as German translator Mr. Rossy, and as Spanish translator Jose Maria Garcia—the amount to be paid to each being fifty dollars.

The committee under the instruction of the House, subscribed for ten numbers of each issue of the Tri-weekly Gazette and South-Western American for each member of the House; the Gazette to contain the journals and the S. W. American the debates; paying for each six cents per copy. They have also ordered the printing of one thousand copies of each of the documents accompanying the Governor's message, for the use of the House of Representatives.

HORACE CONE, Chairman.

REPORT OF SELECTS COMMITTEES.

Mr. Cannon, chairman of the committee on Rules of the House, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives,

The committee on Rules ask leave to report, that they have examined the rules of the House of Representatives of the last Legislature, and would recommend that Rule 29th be so amended as to read as follows :

29. Any member may have the question before the House divided, if susceptible of division, into distinct questions, such member submitting his proposition to divide to writing, if required by the Speaker. Also,

Strike out all after the word "alphabetically," of rule 62; and further, that the following resolution be adopted :

Resolved, That the rules as amended be adopted, and that two hundred copies be printed for the use of the House.

Received and laid on the table one day for consideration.

BILLS AND RESOLUTIONS.

Mr. Randolph introduced a bill to establish a system of common schools; read first time.

Mr. Franklin introduced a bill for the relief of John Lewellyn of the county of Galveston; read first time.

Mr. Crosby introduced a bill relating to the Indians of Texas; read first time.

Mr. Brown introduced a bill requiring the Chief Justices to

reside at the county site of the counties composing this State ; read first time.

Mr. Wood of Cass introduced a bill to amend an act to authorize the erection of a toll bridge across Big Cypress ; read first time.

Mr. Dooly introduced a bill providing for the employment and compensation of a second assistant Draftsman in the General Land Office ; read first time.

Mr. Whitmore introduced a bill for the punishment of violators of the Sabbath ; read first time.

Mr. Brown introduced a bill to exempt certain persons from working on public roads ; read first time.

Mr. Swearingen introduced a bill to amend an act entitled an act to amend an act to raise a revenue by taxation ; read first time.

Mr. Kingsbury introduced a bill to correct the name of a grant confirmed by the State of Texas to Yreneo Gomez, by a wrong name ; read first time.

Mr. Holman introduced a bill to make an appropriation to purchase certain books for the use of the Supreme Court ; read first time.

Mr. Mallard introduced a joint resolution to amend the constitution, giving appellate jurisdiction to the District Court over inferior tribunals ; read first time.

Mr. Cannon introduced a bill to establish a system of Free Common Schools ; read first time.

A message was received from the Senate, through their Secretary, informing the House that that body had passed a bill to incorporate the Medical Association of Texas.

Mr. Stapp offered the following resolution :

Resolved, That the committee on Private Land Claims be instructed to report to the House as soon as practicable, as to the propriety of establishing a board of commissioners, consisting of the Commissioner of the General Land Office, the Adjutant General and Attorney General, or such other persons as they may think advisable, to hear and determine on the claims of various individuals to lands, which now come before the House in the form of petitions and bills for relief, and such as are usually referred to the committee on Private Land Claims, and should they deem the establishment of such a board of commissioners advisable, that they report a bill for the purpose.

Mr. White proposed to amend by striking out "committee on Private Land Claims" and insert "committee on the Judiciary ;" accepted.

Mr. Burney moved to lay the resolution on the table ; lost.

The question then being upon the adoption of the resolution, the yeas and nays were called for and stood as follows :

YEAS.— Banks, Baylor, Bell, Berry, Boon, Calvert, Charlton, Cone, Crawford of W., Crosby, Dooly, Fields, Franklin, Fowler, Holland, Hord, Hunt, Kingsbury, Marshall, Muckleroy, McCulloch, Meniffee, Melton of H., Moore of Polk, Palmer, Reily, Roberts, Rogers, Schieicher, Shaw, Stapp, Tait, Thorp, Travis, Turner of L., White, Wiley, Witt, Wood of Cass, Wood of Leon. —40.

NAYS.—Messrs. Speaker, Adrian, Billingsly, Birdwell, Brown, Burk, Burney, Cannon, Collier, Crawford of B., Daniel, Dulany, Edwards, Gaston, Hall, Hart, Holman, Laird, Lewis, Loving, Mallard, Maverick, Melton of Navarro, Moore of Wood, Parsons, Rains, Randolph, Sims, Speights, Stout, Stroud, Swearingen, Taylor, Throckmorton, Turner of Rusk, Vontress, Walker, Whitmore, Wilson, Wooten.—40. Lost.

Mr. Crawford of Washington presented the following resolution :

Resolved, That the committee on Finance be and they are hereby requested to inquire into the expediency of reducing the present ad valorem tax of the State, and that they report by bill or otherwise ; adopted.

On motion, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met —roll called—quorum present.

Mr. Edwards introduced a bill to provide for a geological and minerological survey of the State ; read first time.

Mr. Palmer introduced a bill for the relief of Charles Stewart ; read first time.

Mr. Taylor offered the following resolution :

Resolved, That Saturday of each week be set apart for the consideration of bills of a private nature, and that the Chief Clerk keep a calendar for that purpose ; laid on the table one day for consideration.

Mr. Edwards introduced a bill for the relief of Wm. B. Jaques ; read first time.

Mr. Ferris introduced a bill supplementary to an act requiring the county courts to regulate roads, appoint overseers, &c., approved March 15, 1848 ; read first time.

Mr. Palmer introduced a bill requiring the Commissioner of the General Land Office to issue a headright certificate of one-third of a league of land to the heirs of Thomas Robinett, Sr., deceased.

Mr. Thorp introduced the following resolution :

Resolved, That three hundred copies of the Mississippi and Pacific Railroad Bill, introduced into the House yesterday, be printed for the use of the members.

On motion of Mr. Billingsly, the resolution was laid on the table.

Mr. Thorp introduced a bill to amend an act to amend proceedings in the District Court, passed May 13th, 1846 ; read first time.

M. McCulloch introduced a bill for the benefit of stock raisers ; read first time.

Mr. Baylor introduced a bill the more effectually to prevent and detect frauds and fraudulent conveyances ; read first time.

Mr. Turner of L. introduced a bill to incorporate the Alma Female Institute ; read first time.

A bill from the Senate to incorporate the Medical Association of Texas ; read first time.

Mr. Dooly moved a suspension of the rule requiring bills and joint resolutions to be read three several days ; lost.

The following communication was then taken from the Speaker's table and read :

*To the Hon. the Speaker and Members of the
House of Representatives :*

By virtue of the within communication, I have the honor to extend to the Hon. the Speaker and Members of the House of Representatives, the invitation of the citizens of New Braunfels, to attend a complimentary ball to be given to General Rusk, at that place, on Monday, the 21st instant. M. A. DOOLX.

NEW BRAUNFELS, 12th Nov., 1853.

To the Hon. M. A. DOOLY, *Austin, Texas :*

Dear Sir : The committee appointed by the citizens of New Braunfels to invite Generals Thomas J. Rusk and Sam Houston, to a public entertainment in this place, (which has been accepted by the former,) hereby beg leave to tender to yourself, and through you to the Hon. members of the House of Representatives, an invitation to a complimentary ball, to be given here to Gen. Thomas J. Rusk, on Monday the 21st instant.

I have the honor to remain, dear sir,

Yours most respectfully,

JAS. FERGUSON,

Secretary of the Committee.

On motion of Mr. Franklin, the House return their thanks for

the kind invitation, and would accept, did not public business demand their presence at this place.

The following resolution was then read and adopted :

Resolved, That the Commissioner of the General Land Office be requested to state to the House of Representatives, what width a belt of land will have to be, running on the parallel of 32 from the eastern border of the State to the western border, to contain 20,000,000 of acres of the public land of this State, and that a committee of two be appointed to furnish the Honorable Commissioner of the Land Office with a copy of this resolution.

Messrs. Billingsly and Throckmorton were appointed said committee.

ORDERS OF THE DAY.

A bill to incorporate the Indian Creek Academy ; read second time, and on motion of Mr. Cannon, ordered to be engrossed.

A bill for the relief of the heirs of James McMicken, deceased ; read second time, and on motion of Mr. Stapp, referred to the committee on the Judiciary.

A bill to prevent free persons of color from emigrating to and settling in this State ; read second time, and on motion of Mr. Fields, referred to the committee on the Judiciary.

A bill to construct the Mississippi and Pacific Railroad ; read second time, and on motion of Mr. Hunt, referred to the committee on Internal Improvements.

A bill to incorporate the town of Fairfield ; read second time, and on motion of Mr. Daniel, referred to the committee on Privileges and Elections.

A bill to prevent the practice of carrying concealed weapons ; read second time and referred to the committee on the Judiciary.

A bill to authorize two copies of the seal of the Supreme Court to be made for the use of said court ; read second time, and on motion of Mr. Fields, was ordered to be engrossed.

A bill to relinquish to residents of the State, who have purchased, or who may hereafter purchase lands in good faith, the right of the State to such lands, not exceeding 640 acres ; read second time, and on motion of Mr. Dooly, referred to the committee on Private Land Claims.

A bill to repeal the first clause of the fifth section of an act entitled an act to establish the Texas Orphan Asylum ; read second time, and on motion of Mr. Throckmorton, referred to the committee on State Affairs.

A joint resolution to provide for amending the 30th section of

the general provisions of the Constitution of the State of Texas; read second time, and on motion of Mr. Fields, referred to the committee on State Affairs.

A bill to authorize Benj. N. Hampton to build a toll bridge across Rock Creek; read second time, and on motion of Mr. Stout, referred to the committee on Roads, Bridges and Ferries.

A bill to authorize agents and attorneys to make necessary affidavits in certain cases; read second time, and on motion of Mr. Palmer, referred to the committee on the Judiciary.

A bill to authorize and require the Commissioner of the General Land Office to issue a certificate to the heirs of E. J. W. Lowery; read second time, and on motion of Mr. Randolph, referred to the committee on Private Land Claims.

A bill to extend the time for the return of field-notes of claimants to land in Fisher & Miller's and Castro's colonies; read second time, and on motion of Mr. Schleicher, was referred to the committee on Public Lands.

A bill to require the Chief Justice of the counties to appoint overseers of roads in certain cases; read second time, and on motion of Mr. Gaston, referred to the committee on Roads, Bridges and Ferries.

A bill requiring overseers of roads to make reports; read second time, and on motion of Mr. Gaston, referred to committee on Roads, Bridges and Ferries.

A bill to repeal the 13th and 15th sections of the act entitled an act concerning mills, &c.; read second time and on motion of Mr. Palmer, referred to the committee on the Judiciary.

A bill to authorize the Commissioner of the General Land Office to employ assistants; read second time, and on motion of Mr. Stapp, referred to the committee on the Land Office.

A bill to repeal the 17th section of an act to regulate Railroad Companies, approved 7th February, 1853; read second time, and on motion of Mr. Cannon, was referred to the committee on Internal Improvements.

A bill to authorize certain books of record, pertaining to the District Court of Harrison county, to be transcribed; read second time, and on motion of Mr. Hall, referred to the committee on the Judiciary.

A bill for the relief of Colin McKinney; read second time, and on motion of Mr. Throckmorton, referred to the committee on Public Debt.

A bill to incorporate Jackson Division No. 9, Sons of Temperance; read second time, and on motion of Mr. McCulloch, ordered to be engrossed.

A bill to authorize and require the Commissioner of the General Land Office to issue a certificate for one-third of a league to the heirs of J. C. Logan, deceased; read second time, and, on motion of Mr. Sims, referred to the committee on Private Land Claims.

A bill to determine what lands have been forfeited to the State; read second time, and on motion of Mr. Adrian, referred to the committee on Public Lands.

A bill to authorize and require the Adjutant General to issue a certificate to the heirs of J. C. Logan; read second time, and on motion of Mr. Sims, referred to the committee on Private Land Claims.

On motion, the House adjourned until to-morrow 10 o'clock, A. M.—Pending the reference of the bill to quiet land titles.

AUSTIN, November 16, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

On motion, Messrs. Vontress and Charlton were excused from attendance on the House on account of indisposition.

PETITIONS.

Mr. Throckmorton presented the petition of Lindsey Lewis; referred to the committee on Private Land Claims.

Mr. Throckmorton presented the petition of Josiah Nichols; referred to the committee on Private Land Claims.

Mr. Tait presented the petition of Robert P. Boyce; referred to the committee on Claims and Accounts.

Mr. Calvert presented the petition of James Nelson; referred to the committee on Private Land Claims.

Mr. Baylor presented the petition of sundry citizens of Fayette county; referred to the committee on the Judiciary.

Mr. Fields presented the petition of Dr. H. W. Carter; referred to the committee on Private Land Claims.

Mr. Sims presented the petition of Rebecca Edwards and D. C. McCawley; referred to the committee on Private Land Claims.

Mr. Burney presented the petition of Jacob Harrison; referred to the committee on Private Land Claims.

Mr. Schleicher presented the petition of C. H. Buchner; referred to the committee on Public Lands.

Mr. Bell presented the petition of the heirs of Charles Murhardt ; referred to the committee on Private Land Claims.

Mr. Stapp presented the petition of a portion of the citizens of Bexar and Goliad, praying for a new county ; referred to the committee on County Boundaries.

Mr. Billingsly presented the petition of C. Johnson, respecting indemnification, &c. ; referred to the committee on Public Debt.

REPORTS OF STANDING COMMITTEES.

Mr. Randolph, chairman of the committee on Education, made the following report :

Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Education have had under consideration a bill to be entitled an act to incorporate Linden Male and Female Academy, and I am instructed by said committee to report the same back to the House, and recommend its passage, with the following amendmets, viz :

1st. In the first section, after the word "Academy," insert "and Masonic Hall."

2nd. In section second, strike out the word "charter" and insert "corporation" in lieu thereof.

Mr. Randolph, chairman of the committee on Education, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

Your committee on Education, to whom was referred a bill to be entitled an act to incorporate Mound Prairie Institute, have had the same under consideration, and have instructed me to report the same back to the Heuse and recommend its passage without amendment.

Mr. Randolph, chairman of the committee on Education, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Education, to whom was referred a bill to be entitled an act to incorporate the New Danville Female Academy, have had the same under consideration, and I am instructed to report the accompanying substitute for the same, and recommend its passage :

Mr. Cone, chairman of the committee on Public Printing, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Public Printing have been unable to decide whether, under the present law regulating the Public Printing, they have the power of contracting with other offices for the printing of the Governor's Message and other documents in German or Spanish, or whether the whole of the printing in English, Spanish and German does not properly belong to the Public Printer. As the committee desire information, they have instructed me to make this report that it may be obtained.

Mr. Dooly offered the following resolution :

Resolved, That the committee on Public Printing be authorized to contract for the translation and printing of the Governor's Message and accompanying documents in the German and Spanish languages.

On motion of Mr. Bourland, the rule requiring bills and resolutions to lay over one day for consideration was suspended, and the resolution referred to the committee on Public Printing.

Mr. Burney, chairman of the committee on Private Land Claims, made the following report :

Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of Frances A. Tabor, on examination, find that the petition asks for relief in money. The committee have instructed me to return the petition to the House and ask that it may be referred to the appropriate committee, as there has doubtless been some mistake with regard to the reference of the petition.

Report and petition received to come up among the orders of the day.

Mr. Sims, chairman of the committee on Roads, Bridges and Ferries, made the following report :

Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Roads, Bridges and Ferries, to whom was referred an act to amend an act supplementary to an act authorizing and requiring the County Courts to regulate roads, appoint overseers, and establish ferries, &c., approved December 20th, 1836, have had the same under consideration, and beg leave to

report the same back to the House, with the following amendment, and recommend its passage :

Amend by adding "Section 6. That any overseer refusing to act when commissioned or appointed, shall be liable to a fine of not less than fifty, nor more than one hundred dollars, and shall be required to compel every hand or person under his appointment, to work at least ten days in each and every year.

Report and bill received to come up in their regular order.

Mr. Sims, chairman of the committee on Roads, Bridges and Ferries, made the following report :

To the HON. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Roads, Bridges and Ferries, to whom was referred an act to amend the 5th section of an act entitled an act to regulate Ferries, approved January 23d, 1850, have had the same under consideration, and instruct me to report that in the opinion of the majority of the committee, the change contemplated by the amendment is inexpedient, and further that the bill be reported back to the House for its action.

Report and bill received to come up in their regular order.

BILLS AND RESOLUTIONS.

Mr. Wiley introduced a bill to define the duties of District Clerks, in making final records to supply papers lost or mislaid ; read first time.

Mr. Franklin introduced a bill for the relief of Gurden Hovey ; read first time.

Mr. Cannon introduced a bill to amend the 71st section of an act concerning Crimes and Punishments, passed March 20th, 1848 ; read first time.

Mr. Rogers introduced a bill for the relief of the heirs of Christopher Chaney ; read first time.

Also, a bill to amend an act entitled an act to raise a revenue by taxation ; read first time.

Mr. Melton of Navarro introduced a bill to authorize the Clerk of the County Court of Navarro county to transcribe the book of marks and brands of said county ; read first time.

Mr. Fields introduced a bill to regulate the practice of medicine ; read first time.

Mr. Hord introduced a bill to amend the 31st section and to repeal the 64th section of an act entitled an act to organize Justice's Courts, and to define the powers of the same ; read first time.

Mr. Baylor introduced a bill to encourage the destruction of wolves ; read first time.

Mr. Crosby offered the following resolution :

Resolved, That hereafter the House shall meet at 9 o'clock, A. M., and adjourn for the day at 1 o'clock, P. M.

Laid on the table one day for consideration.

Mr. Stout introduced a bill to grant lands to Ranging Companies ; read first time.

Mr. Ferris introduced a bill to change the name of Rachael F. Jackson to Rachel F. Crittenden ; read first time.

Mr. Dulany introduced a bill to amend an act entitled an act to incorporate the town of Carthage in Panola county, passed January 19th, 1852 ; read first time.

Mr. Swearingen introduced a bill to amend an act to fix the pay and mileage of the members of the Legislature, approved April 13th, 1846 ; read first time.

Mr. McCulloch introduced a bill to enable sureties on the bonds of certain officers to be discharged therefrom ; read first time.

Also, a bill to regulate locations in the different Land Offices of the State ; read first time.

Mr. Burney introduced a bill for the relief of Rebecca Edwards ; read first time.

Mr. Dulany introduced a bill to amend the 3d section of an act to provide for the payment of grand and petit jurors, passed February, 1850 ; read first time.

Mr. Adrian offered the following resolution :

Resolved, That the Sergeant-at-Arms and Assistant Sergeant-at-Arms receive the same number of copies from the public presses of this city as the members of this House do, with the same privilege to dispose of them as the members of the House have, &c.

Mr. Stapp proposed to amend by adding "and Clerks."

Mr. Threkmorton moved to amend by adding "and Doorkeeper and Assistant Doorkeeper."

Mr. Maverick moved to amend by adding "and Reporter."

On motion of Mr. Palmer, the resolution and amendments were laid on the table.

Mr. Kingsbury introduced a joint resolution instructing our Senators and requesting our Representatives in Congress to urge the passage of a law to change the port of entry for the Collection District of Brazos de Santiago to Brownsville ; read first time.

Mr. Wilson introduced a bill supplementary to an act author-

izing County Courts to appoint overseers of roads, approved March 15th, 1848; read first time.

ORDERS OF THE DAY.

A bill to quiet certain land titles; read second time, and on motion of Mr. Reily, referred to the committee on State Affairs.

Mr. Hall proposed to amend by referring the bill to the committee on the Judiciary; carried.

A bill to provide for the investment of the Special School Fund in the bonds of Railroad Companies incorporated by the State; read second time, and on motion of Mr. Palmer, referred to the committee on Education.

A bill for the relief of Alexander McKenzie; read second time, and on motion of Mr. Calvert, referred to the committee on Private Land Claims.

A bill to regulate forced sales; read second time, and on motion of Mr. Franklin, referred to the committee on the Judiciary.

A joint resolution relative to our Northern Boundary; read second time, and on motion of Mr. Throckmorton, referred to the committee on Federal Relations.

A bill to extend an act relinquishing to the counties the State tax for the years 1852 and 1853; read second time, and on motion of Mr. Throckmorton, referred to the committee on State Affairs.

A joint resolution requiring the Commissioner of the General Land Office to issue patents to all pre-emption claimants for 340 acres of land or less, the field-notes of which shall have been or may be returned to the General Land Office by or before the 1st day of January, A. D. 1854; read second time, and on motion of Mr. Franklin, referred to the committee on Public Lands.

A bill repealing an act entitled an act to indemnify the owners for the loss of slaves executed for capital offences, approved January 24th, 1852; read second time, and on motion of Mr. Roberts, referred to the committee on State Affairs.

On motion, the House adjourned until to-morrow, 9 o'clock,

A. M

Pending: A bill to incorporate the Texas Medical Association.

AUSTIN, November 17, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Wood of Leon offered the petition of sundry citizens of the counties of Leon, Anderson and Houston, praying for a new county; referred to the committee on County Boundaries.

Mr. Banks presented the following petitions, viz:

The petition of G. Clinton Fraley; petition of the heirs of James Jeffries; the petition of Wm. Sparvin; the petition of J. C. Phelan, and the petition of Charles Tydings; all of which were referred to the committee on Private Land Claims.

Mr. Stapp presented the petition of Bernard Daugherty; referred to the committee on Public Debt.

Mr. Stapp presented the petition of E. Linn and Wm. Brennan; referred to the committee on Private Land Claims.

Mr. Ferris presented the petition of John H. Cullum; referred to the committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Hord, chairman of the committee on Privileges and Elections, made the following report, to wit:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on Privileges and Elections, to whom was referred the memorial and accompanying papers of H. M. Crabb and some of the citizens of the counties of Walker and Madison, contesting the election of Andrew P. Wiley to a seat in the House of Representatives, as Representative from the 38th Representative district, and claiming the seat for the said Crabb, have had the same under consideration, and have instructed me to report as follows:

There is no question of fact in dispute between the contestor and the occupant of the seat. The question is simply a constitutional and legal one, and turns upon the construction to be given to the latter part of the 34th Article of the 7th Section of the Constitution, and upon the Act of Apportionment. In this part of the Constitution it is provided that "every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation."

The act of Apportionment in its 6th section, pursued the Constitution, declaring "that whenever a new county shall be created it shall be in the Senatorial and Representative District from which it is taken." Madison county was created by an act approved January 27th, 1853, and the act of Apportionment is

noted as passed February 2nd, same year. Madison was made from portions of Walker, Grimes and Leon. The act creating it does not prescribe the time at which it shall begin to take effect, and the contestor urges that under the law it could not be considered a county until the expiration of sixty days from the adjournment of the Legislature, nor even then, until it should be organized; that therefore it was a *new* county with regard to the Apportionment act, and under the Constitution must vote with the counties from which it was taken. The contestor further takes the ground, that the *intention* of the act of apportionment was, that Madison should vote with Walker and Grimes for one Representative, and that a part of Madison, which was before Walker, should vote with Walker for another Representative. In support of this he says, (which is true) that when the bill of apportionment came before the Legislature, Madison county was not contemplated nor mentioned therein. By the bill, Walker as it then stood, embracing a part of Madison, was allowed a representative, and Walker and Grimes a floater. By this arrangement, the electors of that part of Walker which is now Madison, had a right to vote for two Representatives; and if they be not allowed to vote in *both* districts, the effect of the act will be to disfranchise them, which could not have been the intention of the Legislature.

Upon the foregoing statement, a majority of the committee are of opinion that by *new* counties the Constitution intended counties made *after* an act of apportionment; that Madison county having been created *prior* to the passage of the act of apportionment, was an *old* county with regard to said act. It was not necessary that it should be organized to be entitled to the right of suffrage and representation, nor to be considered an old county with respect to the apportionment, nor was it necessary that sixty days after that session should have transpired before the act of apportionment. The Legislature used the words "Madison county" merely as words of description for a certain territory embracing part of a representative district.

With respect to the disfranchisement of the people of that part of Madison which was Walker, it is true that they suffered in the progress of the act of apportionment; but there are few districts in the State that did not lose or gain in the same way. Every amendment which was adopted changed its face. It is not to be presumed that the Legislature meant something else, simply because the act bears hard upon a particular district. In the nature of the case an apportionment cannot but be hard upon some counties. The complaint of the disaffected district cannot be

directed to this construction of the apportionment, but it is rather their misfortune that the Madison county act was not allowed to take its place *after* the act of Apportionment.

There is a difference of opinion in the committee, but these are the conclusions of the majority, from which the minority dissent. I am instructed to report the accompanying resolution and recommend its adoption :

Resolved, That Andrew P. Wiley is duly elected from the 38th Representative District, to represent the county of Walker in the House of Representatives of the present Legislature.

Mr. Turner, chairman of the committee on County Boundaries, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on County Boundaries, to whom was referred a bill to authorize the Clerk of the County Court of Milam county to transcribe certain records, have had the same under consideration, and have instructed me to report the same back to the House, with the following amendment, and recommend its passage :

Amendment: Add to section 2nd, "to be paid out of the county treasury."

Mr. Rains, chairman of the committee on Claims and Accounts, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Claims and Accounts, to whom was referred the petition of John M. Bevins, sheriff of Red River county, have had the same under consideration, and from the evidence before us, we believe his claim to be just and equitable, and have herewith reported a bill for his relief, and recommended its passage.

Mr. Hall, chairman of the committee on Internal Improvements, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Internal Improvements, to whom was referred the petition of sundry citizens of Hopkins county, praying the extension of certain corporate rights to Benjamin N. Hampton, have had the same under consideration, and instructed me to report that the subject matter of this petition properly.

belongs to the consideration of the committee on Roads, Bridges and Ferries, and that they are advised that a bill embodying the provisions prayed for has already been introduced into the House, and referred to that committee. Your committee therefore ask to be discharged from the further consideration of the subject.

The committee on Internal Improvements, to whom was referred a bill to incorporate the Texas and Red River Telegraph Company, have had the same under consideration, and have authorized me to report the same back to the House, and recommend its passage, with the following amendment:

SEC. 11. *And be it further enacted*, That said company shall be required to transmit all messages and dispatches over their line, that may be received by them from other lines that may be connected with their line, to such points on the same as such messages or dispatches may be directed to, at the same rates of charges as may be charged on their said line.

Mr. Burney, chairman of the committee on Private Land Claims, made the following reports, viz :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred a bill for the relief of Larkin Adamson, have had the same under consideration, and after having duly considered the same, the committee have instructed me to report the bill without amendment, and recommend its passage.

The committee on Private Land Claims, to whom was referred a bill authorizing and requiring the Commissioner of the General Land Office to issue a patent to the assignee of James O. Rice, have had the same under consideration, and instructed me to report the bill without amendment, and recommend its passage.

Mr. Speights, chairman of the committee on Engrossed Bills, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined a bill to be entitled an act authorizing two copies of the seal of the Supreme Court; and a bill entitled an act to incorporate Jackson Division, No. 9, Sons of Temperance; also, a bill entitled an act to incorporate Indian Creek Academy, and find the same correctly engrossed.

BILLS AND RESOLUTIONS.

Mr. Marshall introduced a bill to incorporate the Atlantic Railroad Company ; read first time.

A message was received from the Senate, informing the House that that body had passed the following bills :

A bill to amend an act to incorporate the Chappell Hill Male and Female Institute.

A bill to incorporate the Sharon Union School.

A bill to incorporate the Austin and Houston Turnpike Company.

A bill to incorporate the Black Cypress Bridge, Ferry and Turnpike Company.

A bill to change the time of the biennial meeting of the Legislature of the State of Texas, and

A bill to amend the 26th section of an act concerning crimes and punishments.

Mr. Crawford of Washington introduced a bill to incorporate the Brazos Branch Plank Road Company ; read first time.

Mr. Wiley introduced a bill to amend the acts of limitation ; read first time.

Mr. Banks introduced a bill to amend an act entitled an act to regulate county Courts ; read first time.

Mr. Moore of Polk introduced a bill to amend the 44th section of an act to organize District Courts, and define the powers and jurisdiction thereof ; read first time.

Mr. Rely introduced a bill to encourage the building of steamboats, steamships, and other vessels in the State of Texas ; read first time.

Mr. Menifee introduced a bill for the relief of Gideon G. Williams ; read first time.

Mr. Laird introduced a bill to amend the 22nd section of an act to organize County Courts, approved March 16th, 1848 ; read first time.

Mr. Wood of Leon introduced a bill to incorporate Anson Lodge, No. 29, I. O. O. F. ; read first time.

Mr. Dooley offered the following resolution :

Resolved, That the Speaker appoint a committee of three to examine the translation and proof copies of the Governor's Message and accompanying documents in the German language, and that the translator and printer of said Message and documents shall receive no compensation for such translation and printing, without the approval of said committee and ratification of the House.

Mr. Hord proposed the following amendment :

And that the Speaker appoint a similar committee to examine the translation and proof copies of said Message and documents in the Spanish language, and that the translator and printer of said Message and documents shall receive no compensation for such translation and printing without the approval of said committee and ratification of the House ; accepted.

Mr. Palmer offered to amend by striking out all after the words "German language," and insert "that said committee report upon said translations to the House, and that the same shall not be paid for unless approved by the House ;" accepted.

The resolution as amended was then adopted.

Mr. Crawford of Washington offered the following resolution:

Resolved, That the committee on Public Buildings be and they are hereby authorized to contract for the putting up of four lightning rods for the new Capitol, and two each for the new Treasury Department and the Land Office ; adopted.

Mr. Palmer introduced a bill for the relief of Alexander Grant ; read first time.

Mr. Stout offered the following resolution :

Resolved, That the committee on State Affairs inquire into the expediency of the passage of a law to prevent persons from cutting or removing timber from the Seminary or Common School lands of the State, and that they report by bill or otherwise ; adopted.

Mr. Palmer offered the following resolution :

Resolved, That a special committee, consisting of one from each Judicial District in the State, be appointed by the Speaker, whose duty it shall be to inquire into the necessity and propriety of re-organizing the Judicial Districts of the State, and increasing the number of the same, and report by bill or otherwise ; adopted.

Mr. Cannon introduced a bill to legalize the official acts of Daniel Lacy and William Arnold ; read first time.

Mr. Lyday introduced a bill to provide for the appointment of patrols, and to prescribe their duties and powers ; read first time.

Mr. Burney introduced a bill for the relief of Jacob Harrison ; read first time.

On motion, Messrs. Turner of Rusk and Hord were added to the committee on the Judiciary.

On motion of Mr. Ferris, Mr. Mallard was excused from attendance on the House on account of indisposition.

ORDERS OF THE DAY.

A bill to incorporate the Medical Association of Texas ; read second time.

Mr. Dooley moved to reconsider the vote taken on yesterday to add I. J. Roberts ; carried.

Mr. Lewis offered to amend by adding I. J. Roberts, M. D., after the name of M. A. Taylor ; accepted.

Mr. Stout proposed to amend by adding the name of John McDonald, M. D. ; accepted.

The following resolution was then taken up :

Resolved, That Saturday of each week be set apart for the consideration of bills of a private nature, and that the Chief Clerk keep a calendar for that purpose.

Mr. Marshall proposed to amend by inserting "and Wednesday ;" lost, and resolution rejected.

The following resolution was taken up and adopted :

Resolved, That hereafter the House shall meet at 9 o'clock, A. M., and adjourn for the day at 1 o'clock, P. M.

The following report was then taken up :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Rules ask leave to report that they have examined the rules of the House of Representatives of the last Legislature, and recommend that rule 29th be so amended as to read as follows :

29. Any member may have the question before the House divided, if susceptible of division, into distinct questions, such member submitting his proposition to divide to writing, if required by the Speaker so to do.

Also, strike out all after the word "alphabetically" of rule 62 ; and further that the following resolution be adopted :

Resolved, That the rules as amended be adopted, and that two hundred copies be printed for the use of the House.

Respectfully submitted, B. B. CANNON, Chairman.

Report adopted.

The following report was taken up :

The committee on State Affairs have had under consideration a bill for the relief of America Elkins, asking the compensation allowed by law for the execution of a slave. Your committee have examined the accompanying proof of the execution of the slave, and find the same in accordance with the act of January 24th, 1852, therefore report the bill back to the House and recommend its passage.

WM. MENIFEE, Chairman.

Report received and bill ordered to be engrossed.

The report of the committee on State Affairs, upon the petition of James J. Ward, was taken up and adopted.

A bill to adopt a system of Common Schools; read second time, and on motion of Mr. White, was referred to the committee on Education.

On motion of Mr. Schleicher, 200 copies of the bill were ordered to be printed.

Mr. Cannon moved that a bill to establish a system of Free Common Schools, introduced by himself, be taken up and read by its caption and referred to the committee on Education; lost.

A bill for the relief of John Lewlyn, of Galveston county; read second time, and on motion of Mr. Franklin, referred to the committee on Private Land Claims.

A bill relating to the Indians of Texas; read second time, and on motion of Mr. Crosby, referred to the committee on Indian Affairs.

A bill requiring the Chief Justices to reside at the county sites of the counties composing this State; read second time, and on motion of Mr. Brown, referred to the committee on the Judiciary.

A bill to amend an act to authorize the erection of a toll bridge across Big Cypress; read second time, and on motion of Mr. Wood of Cass, referred to the committee on Roads, Bridges and Ferries.

A bill to provide for the employment and compensation of a Second Assistant Draughtsman in the General Land Office; read second time, and on motion of Dooly, referred to the committee on the Land Office.

A bill to punish violators of the Sabbath; read second time, and on motion of Mr. Throckmorton, referred to the committee on State Affairs.

A bill to prevent certain persons from working on public roads; read second time.

Messrs. McCulloch and Moore of Polk offered amendments, which were, upon motion of Mr. Palmer, referred with the bill, to the committee on Roads, Bridges and Ferries.

A bill to amend an act entitled an act to amend an act, to raise a revenue by taxation; read second time and on motion of Mr. Swearingen, referred to the committee on Finance.

A bill to correct the name of a grant confirmed by the State of Texas to Yreneo Gomez, by a wrong name; read second time, and on motion of Mr. Kingsbury, referred to the committee on Private Land Claims.

A bill to make an appropriation to purchase certain books for the use of the Supreme Court ; read second time, and on motion of Mr. Holman, referred to the committee on the Judiciary.

A joint resolution, amending the Constitution, giving appellate jurisdiction to the District Courts over inferior tribunals ; read second time, and on motion of Mr. Gaston, referred to the committee on the Judiciary.

A bill to establish a system of Free Common Schools ; read second time, and on motion of Mr. Cannon, referred to the committee on Education.

A bill to provide for a Geological and Mineralogical survey of the State ; read second time.

Mr. Crawford of W. offered an amendment, which, on motion of Mr. Schleicher, was referred with the bill to the committee on State Affairs.

A bill for the relief of Charles Stewart ; read second time, and on motion of Mr. Palmer, referred to the committee on the Judiciary.

A bill for the relief of Wm. B. Jaques ; read second time, and on motion of Mr. Schleicher, referred to the committee on Claims and Accounts.

A bill supplementary to an act requiring the County Courts to regulate roads, appoint overseers, &c. ; read second time.

Mr. Palmer offered an amendment, which, on motion of Mr. White, was referred with the bill to the committee on Roads, Bridges and Ferries.

A bill to require the Commissioner of the General Land Office to issue a headright certificate of one-third of a league of land to the heirs of Thomas Robinett ; read second time, and on motion of Mr. Palmer, referred to the committee on Private Land Claims.

A bill to amend an act to regulate proceedings in the District Courts, passed the 13th of May, 1846 ; read second time, and on motion of Mr. Wiley, referred to the committee on the Judiciary.

A bill for the benefit of stock-raisers ; read second time, and on motion of Mr. Throckmorton, referred to the committee on the Judiciary.

A bill the more effectually to prevent frauds and fraudulent conveyances ; read second time, and on motion of Mr. Wiley, referred to the committee on the Judiciary.

A bill to incorporate the Alma Female Institute ; read second time, and on motion of Mr. Turner of L., referred to the committee on Education.

A bill to define the duties of District Clerks, in making final records to supply papers lost or mislaid ; read second time, and on motion of Mr. Wiley, referred to the committee on the Judiciary.

On motion of Mr. White, the vote to refer a bill supplementary to an act requiring County Courts to regulate roads, appoint overseers, &c., approved March 15th, 1848, to the committee on State Affairs, was reconsidered, and the bill referred to the committee on Roads, Bridges and Ferries.

A bill for the relief of the heirs of Gurden Hovey ; read second time, and on motion of Mr. Throckmorton, referred to the committee on Private Land Claims.

A bill to amend the 71st section of an act concerning crimes and punishments, passed March 20th, 1848 ; read second time, and on motion of Mr. Franklin, referred to the committee on the Judiciary.

A bill for the relief of Christopher Chaney ; read second time, and on motion of Mr. Rogers, was referred to the committee on Private Land Claims.

A bill to amend an act entitled an act to raise a revenue by taxation, approved March 20th, 1848 ; read second time, and on motion of Mr. Rogers, referred to the committee on the Judiciary.

A bill to authorize the Clerk of the County Court of Navarro county to transcribe the book of marks and brands of said county ; read second time, and on motion of Mr. Melton of N., referred to the committee on Counties and County Boundaries.

A bill to regulate the practice of Medicine ; read second time, and on motion of Mr. Stout, referred to the committee on State Affairs.

A bill to amend the 31st section and to repeal the 64th section of an act entitled an act to organize Justice's Courts, and to define the powers of the same ; read second time, and on motion of Mr. Hord, referred to the committee on the Judiciary.

A bill to encourage the destruction of wolves ; read second time.

Messrs. Hord and Crawford of W. offered amendments, which were, on motion of Mr. Burney, referred with the bill to the committee on Finance.

A bill granting land to Ranging Companies ; read second time.

Messrs. Palmer and Taylor proposed amendments, which were, on motion of Mr. Stout, referred with the bill, to the committee on State Affairs.

A bill to change the name of Rachael F. Jackson to Rachael

F. Crittenden ; read second time, and on motion of Mr. Ferris, referred to the committee on the Judiciary.

A bill to amend an act entitled an act to incorporate the town of Carthage in Panola county, passed January 10th, 1852 : read second time, and on motion of Mr. Dulany, referred to the committee on County Boundaries.

A bill to amend an act to fix the pay and mileage of the members of the Legislature, approved April 13th, 1846 ; read second time, and on motion of Mr. Turner of L., referred to the committee on Finance.

A bill to enable sureties on the bonds of certain officers to be discharged therefrom ; read second time, and on motion of Mr. McCulloch, referred to the committee on the Judiciary.

A bill to regulate locations in the different Land Offices of this State ; read second time, and on motion of Mr. Sims, referred to the committee on the Judiciary.

A bill for the relief of Rebecca Edwards ; read second time, and on motion of Mr. Burney, referred to the committee on Private Land Claims.

A bill to amend the 3d section of an act to provide for the payment of grand and petit jurors, passed February, 1850 ; read second time, and on motion of Mr. Dulany, referred to the committee on the Judiciary.

A joint resolution to change the port of entry for the collection District of Brazos de Santiago to Brownsville ; read second time, and on motion of Mr. Kingsbury, referred to the committee on Federal Relations.

A bill supplementary to an act authorizing county courts to appoint overseers of roads, &c. ; read second time, and on motion of Mr. Wilson, referred to the committee on Roads, Bridges and Ferries.

On motion, the House adjourned until to-morrow, 9 o'clock, A. M.

AUSTIN, November 18, 1853.

House met pursuant to adjournment—roll called—quorum present.

The journal of yesterday read and adopted.

On motion of Mr. Reily, Mr. Hicks, member elect from Cherokee county, came forward, took the oath of office and his seat.

On motion of Mr. Palmer. Mr. Edwards of Bexar, was excused from attendance on the House until Tuesday next.

PETITIONS.

Mr. Witt presented the petition of Christopher Zumault ; referred to the committee on Private Land Claims.

Mr. Tait presented the petition of the citizens of Columbus, to incorporate said town ; referred to the committee on County Boundaries.

Mr. Tait presented the petition of Patrick C. Shannon and Silasberry Haley ; referred to the committee on Private Land Claims.

Mr. Stapp presented the petition of James S. Gillett, Adjutant General ; referred to the committee on Claims and Accounts.

Mr. Stout presented the petition of W. H. Roberson and B. N. Hampton ; referred to the committee on Roads, Bridges and Ferries.

Mr. Stout presented the petition of A. E. Osborn ; referred to the committee on Public Lands.

Mr. Banks presented the petition of Elvira P. McKinney ; referred to the committee on Public Lands.

Mr. Loving presented the petition of Mr. Hays for certain privileges ; referred to the committee on State Affairs.

Mr. Taylor presented the petition of Garrett Fitzgerald ; referred to the committee on Private Land Claims.

Mr. Lewis presented the petition of Napoleon Darnell ; referred to the committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Turner, chairman of the committee on County Boundaries, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on County Boundaries, to whom was referred the petition of sundry citizens of Goliad and Bexar counties, praying for the establishment of a new county, have had the same under consideration, and have instructed me to report the accompanying bill, and recommend its passage.

Mr. Burney, chairman of the committee on Private Land Claims, made the following report, to-wit :

Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Private Land Claims, to whom was referred the petition of L. E. Grisette, have duly considered the same, and instructed me to report the same back to the House, and ask to be

excused from the further consideration of the same, as your committee find nothing contained in the vouchers that would entitle the petitioner to the relief asked for in said petition.

The committee on Private Land Claims, to whom was referred the petition of the heirs of Walker H. Gilbert, have had the same under consideration, and instructed me to report the accompanying bill for their relief, and recommend its passage.

The committee on Private Land Claims, to whom was referred two bills for the relief of the heirs of J. C. Logan, one to authorize and require the Commissioner of the General Land Office to issue to the heirs of J. C. Logan a certificate for one-third league of land as the headright of said Logan; and the other, authorizing and requiring the Adjutant General to issue to the heirs of said Logan, the lands to which he was entitled by virtue of his services in the army.

Your committee have examined and duly considered both bills, as well as the vouchers accompanying the petition of said heirs, and also made the necessary examination in the Adjutant General's office, and verily believe the heirs are justly entitled to the lands asked for; and in consequence of J. C. Logan having fallen with Fannin, and his name not appearing on the muster roll in the Adjutant General's office, they have not been able to obtain the same.

Your committee, therefore, have instructed me to report the bills back to the House without amendment, and recommend their passage.

The following committees were then announced :

A committee on re-organization of Judicial Districts :

Messrs. Palmer, 7th Judicial District.

" Thorp,	1st	" "
" Dooly,	2d	" "
" Vontress,	3d	" "
" Maverick,	4th	" "
" Lewis,	5th	" "
" Marshall,	6th	" "
" Taylor,	8th	" "
" Gaston,	9th	" "
" Darden,	10th	" "
" Crosby,	11th	" "
" Hord,	12th	" "
" Daniel,	13th	" "

To superintend the printing of Governor's message and accompanying documents in the German language : Messrs. Dooly and Schleicher.

To superintend said message and documents in the Spanish language: Messrs. Crawford of Bexar and Hord.

BILLS AND RESOLUTIONS.

Mr. Taylor introduced a bill to abolish implied or secret liens on real estate; read first time.

Mr. Swearingen introduced a bill to abolish the retailing of ardent spirits in each county by vote of the people at the next August election; read first time.

On motion of Mr. Cannon, Mr. Hicks was added to the committee on Internal Improvements.

Mr. Crosby offered the following resolution:

Resolved, That the committee on the Judiciary be requested to inquire into the expediency of repealing article 2940 of Hartley's Digest, "requiring the appellant or plaintiff in error to file an assignment of errors in the District Court;" adopted.

Mr. Wood of Leon introduced a bill granting Henry J. Jewett, Judge of the 13th Judicial District of the State of Texas, leave of absence from the State; read first time.

Mr. Stroud introduced a bill to amend an act to provide for the payment of grand and petit jurors; read first time.

Mr. Charlton introduced a bill making an appropriation for the mileage and per diem of the members and officers of the fifth Legislature; read first time.

On motion of Mr. Melton of Hopkins, Mr. Fowler was added to the committee on Private Land Claims.

Mr. Lewis offered the following resolution:

Resolved, That the Sergeant-at-Arms furnish the committees on Private Land Claims and Public Lands, each with a copy of the abstract of titles.

And also, furnish to each committee a copy of the abstract of Land Claims.

Mr. Cannon introduced a bill to amend and alter an act, entitled an act to regulate Ferries, passed January 23d, 1850; read first time.

Mr. Stroud introduced a bill supplementary to an act, to organize Justice's courts, and define the powers and jurisdiction of the same, approved March 20th, 1848; read first time.

Mr. Berry introduced a bill to declare legal evidence in the courts of this State, the abstract of certificates recommended as genuine by the Board of Travelling Land Commissioners, heretofore published by authority of the Commissioner of the General Land Office; read first time.

Mr. Holman introduced a bill to charter the Tyler University; read first time.

Mr. Crawford of Washington offered the following resolution :

Resolved, That the committee on Roads, Bridges and Ferries, be and they are hereby requested to inquire into the expediency of abolishing the present license tax on ferries, and creating in lieu thereof, a tax on the amount of money received for ferriage, and that they report by bill or otherwise; adopted.

The following resolution was offered by Mr. Ferris* and adopted :

Resolved, That it shall be the duty of the committee on the Judiciary to inquire into the propriety of amending the 4th section of an act regulating proceedings in the District Courts, so that the sheriff of the county may lawfully execute any writ or citation, by leaving a copy of the petition at the residence of defendant with any white person, a member of the family, over the age of fourteen years; also to inquire into the propriety of changing the mode of executing subpoenas.

Mr. Lewis introduced a bill to amend an act appropriating fines, forfeitures and penalties; read first time.

Mr. Hord introduced a bill to regulate certain precincts; read first time.

Mr. Wooten offered the following resolution :

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the 5th section of an act regulating fees of office, approved March 20th, 1848, as to allow the clerks of the District Courts a fee of one dollar for taxing the bill of costs in each case, with a copy of the same; rejected.

A message was then received from the Senate, announcing to the House that that body had passed the following bills :

A bill to incorporate the Grand Temple of Honor of the State of Texas, and subordinate Temples under its jurisdiction.

A bill for the relief of James McGloin.

On motion of Mr. Wilson, Mr. Swearingen was added to the committee on State Affairs.

Mr. Stout offered the following resolution :

Resolved, That the committee on the Judiciary inquire whether or not the Judges of the District Courts have authority by law to hold special terms for the trial of persons charged with criminal offences. Also, by what law they can empanel a

grand jury at such term, and that they report to this House ; adopted.

The following resolution was offered by Mr. Palmer and adopted :

Resolved, That the Sergeant-at-Arms be required to furnish the committee upon Judicial Districts with a copy of J. de Cordova's map of the State, and all the late printed acts not embraced in Hartley's Digest.

Mr. Palmer introduced a bill to have the laws, civil and criminal, amended, supplied, revised, digested and arranged ; read first time.

Mr. Stapp introduced a bill to create the county of Karnes ; read first time.

ORDERS OF THE DAY.

Report of committee on Education and accompanying bill and substitute, were taken up ; report adopted, and substitute ordered to be engrossed.

Report of same committee, recommending the passage of a bill to incorporate Mound Prairie Institute ; bill read second time, and ordered to be engrossed.

The report of the committee on Education, recommending the passage of a bill to incorporate Linden Male and Female Academy, with accompanying documents, was taken up ; amendments adopted, and bill read second time and ordered to be engrossed.

The report of the committee on Roads, Bridges and Ferries, recommending the rejection of a bill to amend the 5th section of an act entitled an act to regulate Ferries, approved January 23d, 1853, was taken up ; bill read second time and ordered to be engrossed.

The following communication was received from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, STATE OF TEXAS, }
AUSTIN, Nov. 17, 1853. }

*To the Honorable the Senate
and House of Representatives:*

GENTLEMEN: I have the honor to transmit the accompanying report of the State Treasurer, for the fiscal year ending October 31st, 1853, being more in extenso than that which accompanied my general message to the present session of your honorable bodies, and which is therein referred to by that officer.

The suggestions submitted by the Treasurer in this report, re-

lative to the change of the deposit in the Treasury, known as the "general school fund," from specie to the United States' bonds, bearing 5 per cent. interest, and the appointment of a committee from your honorable bodies to examine the condition of his office, have my full concurrence, and I therefore recommend them to the favorable consideration of the Legislature.

Communication read, and with accompanying documents, referred to the committee on Finance.

The report of same committee, recommending the passage of a bill to amend an act supplementary to an act authorizing and requiring the county courts to regulate roads, appoint overseers, and establish ferries, &c., approved December 20th, 1836, with amendment, was taken up; amendment adopted and bill ordered to be engrossed.

A bill to incorporate the Medical Association of Texas, was then taken up, the same being on its third and final reading, the yeas and nays were called, and stood as follows:

YEAS.—Messrs. Speaker, Adrian, Banks, Bell, Berry, Billingsly, Birdwell, Boon, Brown, Burke, Burney, Calvert, Cannon, Charlton, Collier, Crawford of B., Crawford of W., Crosby, Daniel, Darden, Dulany, Ferris, Fowler, Gaston, Hall, Hart, Hicks, Holman, Holland, Hord, Hunt, Kingsbury, Laird, Lewis Loving, Lyday, Marshall, Muckleroy, McCulloch, Menifee Melton of Hopkins, Melton of Navarro, Moore of Wood, Palmer, Parsons, Reily, Schleicher, Sims, Speights, Stapp, Stout, Stroud, Swearingen, Tait, Taylor, Thorp, Throckmorton, Travis, Turner of Lavaca, Walker, Whitmore, Wilson, Wiley, Witt, Wood of Cass, Wood of Leon, Wooten.—67.

NAYS.—Messrs. Moore of Polk, Rains, Randolph, Roberts, Rogers, Shaw, White.—7.

Bill passed by a constitutional majority.

A bill to amend an act to incorporate the Chappell Hill Male and Female Institute; read first time

A bill to incorporate the Sharon Union School; read first time.

A bill to incorporate the Austin and Houston Turnpike Company; read first time.

A bill to incorporate the Black Cypress Bridge, Ferry and Turnpike Company; read first time.

A bill to change the time of the biennial meeting of the Legislature of the State of Texas; read first time.

A bill to amend the 26th section of an act to punish crimes and misdemeanors; read first time.

A bill for the relief of John M. Bevins, sheriff of Red River

county ; read second time, and on motion of Mr. Stont, ordered to be engrossed.

The report of the committee on Privileges and Elections, relative to the contested election between Messrs. Wiley and Crabb, was taken up and adopted.

The report of the committee on Internal Improvements, recommending the passage of a bill, as amended, to incorporate Texas and Red River Telegraph Company, was taken up, report adopted, and bill ordered to be engrossed.

The report of the same committee, upon the petition of sundry citizens of Hopkins county, was taken up, report adopted, and on motion of Mr. Melton, of Hopkins, the petition was referred to the committee on Roads, Bridges and Ferries.

The report of the committee on Private Land Claims, recommending the passage of a bill for the relief of L. Adamson, was taken up ; bill read second time, and on motion of Mr. Throckmorton, ordered to be engrossed.

The report of the same committee, recommending the passage of a bill authorizing and requiring the Commissioner of the General Land Office to issue a patent to the assignee of James O. Rice, was taken up and adopted ; bill read second time, and on motion of Mr Cannon, ordered to be engrossed.

A bill to incorporate the Atlantic and Pacific Railroad Company ; read second time, and with Mr. Hord's amendment, instructing the committee to have two hundred copies of the same printed, referred to committee on Internal Improvements.

Mr. Randolph moved a suspension of the rule ; carried.

Mr. Randolph, by leave of the House, offered the following resolution:

Resolved, That the committee on Internal Improvements be authorized to have printed for the use of the House, two hundred copies of a bill to incorporate the Mississippi and Pacific Railroad Company ; adopted.

A bill to incorporate the Brazos Branch Plank Road Company, ny ; read second time, and on motion of Mr. Crawford of W. referred to committee on Internal Improvements.

A bill to amend the acts of limitation ; read second time, and on motion of Mr. Wiley, referred to the committee on the Judiciary.

A bill to amend an act entitled an act to organize County Courts ; read second time, and on motion of Mr. Charlton, referred to the committee on the Judiciary.

A bill to amend the 44th section of an act to organize the District Courts and define their powers and jurisdiction ; read

second time, and on motion of Mr. Moore of Polk, referred to the committee on the Judiciary.

An act to encourage the building of steamboats, steamships and other vessels in the State of Texas; read a second time, and on motion of Mr. Reily, referred to the committee on Internal Improvements.

A bill for the relief of Gideon G. Williams; read second time, and on motion of Mr. Menifee, referred to the committee on the Judiciary.

A bill to amend the 22d section of an act to organize County Courts, of March 16th, 1848; read second time, and on motion of Mr. Laird, referred to the committee on the Judiciary.

A bill to incorporate Anson Lodge, No. 29, I. O. O. F.; read second time, and on motion of Mr. Wood of Leon, ordered to be engrossed.

A bill for the relief of Alexander Grant; read second time and on motion of Mr. Palmer, referred to the committee on Public Debt.

A bill to legalize the official acts of Daniel Lacy and William Arnold; read a second time, and on motion of Mr. Menifee, referred to the committee on the Judiciary.

A bill to provide for the appointment of patrol, and prescribe their duties and powers, read second time and on motion of Mr. Lyday, referred to the committee on State Affairs.

A bill for the relief of Jacob Harrison; read second time, and on motion of Mr. Turner of Lavaca, referred to the committee on Private Land Claims.

Mr. Bell introduced the following resolution:

Resolved, That the House adjourn each day at or before 1 o'clock, P. M., and shall stand adjourned until 9 o'clock, A. M., on the succeeding day; laid on the table one day for consideration.

On motion of Mr. Cannon, the vote taken upon a resolution regulating the meeting and adjournment of the House, was reconsidered, and resolution taken up.

Mr. Stapp proposed to amend by inserting "at or before 1 o'clock."

On motion of Mr. Fields, the resolution and amendment were laid on the table.

Mr. Cannon moved to adjourn until to-morrow morning, 9 o'clock, A. M.; lost.

On motion, the House adjourned until Monday morning, 9 o'clock.

AUSTIN, November 21, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of Friday, 18th, read and adopted.

PETITIONS.

Mr. Cannon presented the petition of the citizens of Cherokee county; referred to the committee on Roads, Bridges and Ferries.

Mr. Banks presented the petition of the heirs and devisees of Christopher Terrill, deceased, for relief; referred to the committee on Private Land Claims.

Mr. Fields presented the petition of M. C. Hamilton; referred to the committee on Private Land Claims.

Mr. Randolph presented the petition of W. G. Tumlinson; referred to the committee on Private Land Claims.

Mr. Parsons presented the petition of John M. Kincher; referred to the committee on Private Land Claims.

Mr. Bourland presented the petition of the citizens of Grayson county; referred to the committee on Finance.

Mr. Burney presented the petition of the citizens of McLennan county; referred to the committee on County Boundaries.

Mr. Wiley, presented the petition of John C. Hampton; referred to the committee on the Judiciary.

Mr. Bell presented the petition of James Veasey; referred to the committee on Private Land Claims.

Mr. Stapp presented a petition for amending the charter of the Aransas Road Company; referred to the committee on Roads, Bridges and Ferries.

Mr. Marshall presented the petition of J. B. Webster; referred to the committee on State Affairs.

Mr. Throckmorton presented the following petitions:

The petition of the citizens of Collin and Kaufman counties, praying for a new county; referred to the committee on County Boundaries.

The petition of the heirs of Benjamin R. Milam; referred to a Select committee.

Mr. Lewis presented the petition of H. M. Crabb; which was referred to the committee on Public Lands.

Mr. Bell presented the petition of John C. Lee, assignee of Kemp Alford; referred to the committee on Private Land Claims.

Mr. Baylor presented the petition of Jesse Burnum; referred to the committee on Claims and Accounts.

REPORTS OF STANDING COMMITTEES.

Mr. Franklin, chairman of the committee on the Judiciary, made the following report, to wit :

The committee on the Judiciary, to whom was referred an act entitled an act making valid patents to land issued in the name of persons who may be dead at the time of issue; respectfully beg leave to report: that they have had the same under consideration, and instructed me to report that an act entitled an act to render valid and effectual to legal claimants, patents to land which have been issued or which may be issued in the names of deceased persons, approved 24th December, 1851; (pamphlet laws, page 21;) is in force and provides for the cases which the bill referred was intended to remedy. They return the bill and recommend that it be indefinitely postponed.

The committee on the Judiciary, to whom was referred the petition of Lewis B. Shelton, of the county of Grimes, praying that the name of Frederick Levy, a minor, might be changed to that of William B. Shelton, and leave to adopt him as his heir, respectfully ask leave to report, that they have had the same under consideration. Your committee are led to believe, from the facts before them, that Frederick Levy was born in October, 1845—that his parents are both dead, and that he is without any property, and that the father of the minor gave him to the petitioner, that the Probate Court of Harris county subsequently committed the minor to the care and control of the said Lewis B. Shelton.

As the said Shelton desires to adopt the said Frederick Levy as his heir, believing it will be to the benefit of the child—your committee ask leave to report the accompanying bill, and recommend its passage; report received and bill read first time.

The committee on the Judiciary, to whom was referred a bill to be entitled an act to repeal the first section of an act concerning juries, approved February. 1852, instruct me to report that, in the opinion of the committee, the repeal of the section of the law proposed by the bill referred to, will tend to promote the ends of justice, and in many counties facilitate the trial of causes.

They return the bill with the following amendment: Strike out the words, "a bill to be entitled," in the caption. Thus amended, they recommend its passage.

The committee on the Judiciary, to whom was referred a bill to be entitled an act for the relief of the heirs of James McMickin, deceased, instruct me to report that they have had the bill under consideration.

The laws as they exist offered ample relief to the parties without legislative interference. The administrator, if the estate is closed, can pay over the money to the State Treasury, in accordance with the law, and the heirs, on making proper proof, can get the money from the Treasury, and the effects of the deceased unadministered, from the administrator.

Your committee therefore return the bill, and recommend its indefinite postponement.

The committee on the Judiciary, to whom was referred the petition of Joel Boyd and William Johnson, respectfully ask leave to report that they have had the same under consideration. As the father of the child asks it, and Joel Boyd claims it, and the child will be much benefitted, your committee recommend that the prayer be granted. They report the accompanying bill and recommend its passage; report received and bill read first time.

The committee on the Judiciary, to whom was referred an act entitled, an act to prevent the practice of carrying concealed weapons, instruct me to report that they have had the same under consideration, and that they approve the policy of such a law, but find the act referred not sufficiently distinct in the language in the act; therefore they have instructed me to report the accompanying substitute for the act referred, and recommend its passage; report received and bill read first time.

The committee on the Judiciary, to whom was referred the memorial of divers and sundry citizens of the county of Harrison, praying for relief from the fines and costs anticipated to accrue in one hundred and sixty-one cases in which indictments are pending in the District Court of said county, against certain citizens thereof, for exhibiting and betting at the game of rondo, beg leave to report that they have given the subject of said memorial their most respectful consideration, and deem it unwise for the Legislature to interfere in the mode suggested, with the ordinary administration of the law, by the judicial tribunals of the country. They therefore ask to be discharged from the further consideration of the subject.

The committee on the Judiciary, to whom was referred an act the better to secure estates and judgment debtors the value of the property disposed of by forced sale, instruct me to report that they have had the same under consideration, and that they do not deem it expedient to change the laws as they now exist on the subject. They therefore return the bill and recommend that it be indefinitely postponed.

The committee on the Judiciary, to whom was referred the act to legalize the acts of Alexander Beaton, late Notary Public

of Navarro county, have instructed me to report that they have examined the bill, and although they deem the acts of the Notary valid without legislation, yet as it will tend to remove all doubts, and possibly prevent unnecessary litigation, they return the bill to the House, and recommend its passage.

Mr. Menfee, chairman of the committee on State Affairs, made the following reports, to wit :

The committee on State Affairs, to whom was referred a bill for the punishment of Sabbath-breakers, have instructed your chairman to report the same back to the House, and recommend its rejection.

The committee on State Affairs, to whom was referred the petition of James H. Hays, asking the privilege of selling dry-goods and groceries, free of tax and without license, have considered the same, and notwithstanding the sympathies of the committee are strongly enlisted in behalf of the petitioner, yet the Constitution, in the opinion of the committee, prevents the prayer of the petitioner being granted. Therefore I am instructed to report the same back to the House, and recommend its indefinite postponement.

The committee on State Affairs, to whom was referred a bill granting lands to Ranging companies, beg leave to report the same back and recommend its rejection.

The committee on State Affairs, to whom was referred a bill to regulate the practice of medicine, have had the same under consideration, and in view of the intricacy of the subject—the great difficulty of satisfying the various sentiments of the people in regard to the practice of medicine, &c., &c., beg leave to report the same back to the House, and recommend its indefinite postponement.

Mr. Fields, chairman of the committee on Finance, made the following report, to wit :

The Finance committee have had under consideration a bill to amend an act to fix the pay and mileage of members of the Legislature, and I am instructed by a majority of the committee to report the accompanying substitute, fixing the pay at four dollars per diem, and four dollars for every twenty-five miles traveled, and to recommend its adoption and the passage of the bill. The compensation for a session of one hundred days, (the usual length of regular sessions,) is precisely the same by the two bills, but the committee preferred a uniform rate for the entire session.

As to the propriety of increasing the pay of members of the Legislature, there was scarcely a difference of opinion in the committee. The old proverb that the laborer is worthy of his

hire, is a true one, and applicable to every avocation of life. It is well known that three dollars per day does not pay any one for loss of time and expense incurred. It is a miserable pittance less than is allowed by other Southern States, and not in accordance with the wishes of the people of the great State of Texas. The committee are clearly of the opinion that if the people themselves were called upon to decide this question, they would unhesitatingly concur in the propriety of paying their public servants a reasonable compensation.

As the members of the present Legislature cannot increase their own pay, it ought reasonably to be inferred that they see an actual necessity for the increased compensation, or they would not vote for a measure only benefitting others.

Mr. Randolph, chairman of the committee on Education, made the following report:

The committee on Education, to whom was referred a bill to be entitled an act to incorporate the Alma Female Institute, have had the same under consideration, and I am instructed by the committee to report the same back to the House and recommend its passage.

Mr. White, chairman of the committee on Public Lands, made the following reports, to wit:

The committee on Public Lands, to whom was referred the petition of Sylvester Williams, and the memorial of sundry citizens of Red River county, have had the same under consideration, and after mature deliberation, are forced to the conclusion that the petitioner is justly entitled to the relief sought. They have instructed me to report the accompanying bill and recommend its passage; report received and bill read first time.

The committee on Public Lands, to whom was referred the petition of Elvira P. McKinney, have had the same under consideration, and after mature deliberation, have instructed me to report the same back to the house, and recommend its indefinite postponement.

The committee on Public Lands, to whom was referred a bill, to be entitled an act to require the Commissioner of the General Land Office to furnish to the District and County Surveyors of the several counties of this State an abstract showing what surveys are represented upon the maps in his office have become forfeited by the failure to return the field-notes of the same, as provided by an act approved the 10th day of February, A. D. 1852, have had the same under consideration, and have instructed me to make the following report:

That the committee do not believe the State at large would be

at all benefitted by the passage of such a law—that much of the Commissioners time would be consumed in arriving at correct information as to the forfeitures referred to in the bill; neither could he, from the fact that in numberless instances the forfeited lands have been re-located by the original holders or others, since the 31st day of August last, which have been returned to the General Land Office, and may not be, for some time, inasmuch as the law gives one year from the time of re-location is made, to return the same. That it would be attended with considerable expense, without a corresponding benefit to the citizen locator—that the principal persons benefitted by such a law, would be the speculator, hanging about the different land offices, anxiously awaiting the earliest intelligence from the General Land Office, ready to make their entries before the people generally could be informed on the subject. The committee, therefore, return the bill back to the House, and recommend its rejection.

Mr. Turner of L., chairman of the committee on County Boundaries, made the following reports, to wit :

The committee on County Boundaries, to whom was referred a bill entitled an act supplemental to an act entitled an act to incorporate the town of Carthage, in Panola county, approved January 15th, 185 , have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House and recommend its passage.

The committee on County Boundaries, to whom was referred a bill authorizing the clerk of the county court of Navarro county to transcribe the book of marks and brands of said county, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House, and recommend its passage.

The committee on County Boundaries, to whom was referred the petition of the citizens of the town of Columbus, to incorporate said town, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House and recommend its passage.

Mr. Rains, chairman of the committee on Claims and Accounts, made the following report :

Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Claims and Accounts, to whom was referred the petition of Mrs. Francis Tabor, praying for relief, have had the same under consideration, and have instructed me to re-

port that the claimant has established vouchers and proof, that in the year 1841 she paid in Treasury notes of the late Republic, the sum of seven hundred and fifty-seven dollars and fifty cents, for taxes assessed upon lands of her then deceased husband's estate, that since the payment of said taxes, said lands have fallen back to the Government, and her title declared void, which would seem to constitute a just and equitable claim for the favorable consideration of this House; but having no precedent to govern us, and doubting the propriety of special legislation on this subject, the committee have therefore instructed me to return the petition back to the House and ask to be discharged from the further consideration thereof; report received to come up in its regular order.

The same committee reported as follows :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee to whom was referred the applications of L. H. W. Johnson and Henry Hilton for relief, have duly examined and considered the same, and they have instructed me to report that the character of the above claims is such, that although they present cases of hardship on account of spoliations by the enemies of the country, yet so far as this committee are informed, it has never been the policy of the General Government, nor of the State Governments, as well as our own, to disburse claims of this nature. Believing that the precedent would be unwise, the committee have therefore instructed me to return the petitions to the House, and asked to be discharged from the further consideration of the same.

EMERY RAINS, Chairman.

Mr. Speights, chairman of the committee on Engrossed Bills, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined the following bills, viz :

A bill to be entitled an act to incorporate the New Danville Masonic Academy.

A bill to be entitled an act to amend the fifth section of act entitled an act to regulate ferries, approved January 23, 1850.

A bill to be entitled an act to incorporate the Mound Prairie Institute.

A bill to be entitled an act to incorporate the Linden Male and Female Academy and Masonic Hall.

A bill to be entitled an act to amend an act supplementary to an act authorizing and requiring the County Courts to regulate roads, appoint overseers, and establish ferries, approved December 20th, 1836.

A bill to be entitled an act authorizing and requiring the Commissioner of the General Land Office to issue a patent to the assignee of James O. Rice for lot No. 4, in block No. 18, in the city of Austin.

A bill to be entitled an act for the relief of John M. Bevins, sheriff of Red River county.

A bill to be entitled an act for the relief of Larkin Adamson.

A bill to be entitled an act to incorporate the Texas and Red River Telegraph Company.

A bill for the relief of America Elkins.

All of which are correctly engrossed. Respectfully submitted.

BILLS AND RESOLUTIONS.

Mr. Cone introduced a bill to incorporate the the Columbia, Wharton and Austin Railroad Company ; read first time.

Also, a bill relative to certain special liabilities, reported by the Auditor and Comptroller and confirmed by the Legislature ; read first time.

Mr. Maverick introduced a bill for the relief of the heirs of Elisha Roundtree ; read first time.

Mr. Hart introduced a bill to amend the fifth section of an act to regulate estrays, passed February 8th, 1850 ; read first time.

Mr. Fields introduced a bill to amend the 27th section and to repeal the 28th section of an act entitled an act concerning crimes and punishments, approved March 20th, 1848 ; read first time.

Mr. Taylor introduced a bill to amend the 6th section of an act entitled an act punishing crimes and misdemeanors, passed 21st December, 1836 ; read first time.

Also, a bill for the relief of B. R. Houghton ; read first time. Also, a bill for the relief of David Andrews ; read first time.

Mr. Burke introduced a bill to amend an act providing for the assessment and collection of taxes, approved February 11th, 1850 ; read first time.

Mr. Turner of R. introduced a bill to amend an act incorporating the Henderson and Burkville Railroad Company ; read first time.

Mr. Wood of Leon introduced a bill to incorporate the town of Centreville, Leon county; read first time.

Mr. Stout introduced the following resolution :

Resolved, That the Adjutant General be requested to furnish this House with an estimate of the amount of land it would require to give to each officer and private that has served in any of the ranging companies of the late Republic of Texas, whose term of service expired previous to the 1st day of January, 1841; said estimate to be made from the muster rolls on file in his office, at the following rates, to wit : for one month's service, 80 acres; two months' service, 160 acres; three months' service, 320 acres; and that said Adjutant General be furnished with a copy of this resolution; laid on the table one day for consideration.

Mr. Crawford of W. introduced a bill concerning writs of sequestration; read first time.

Mr. Crawford of W. offered the following resolution :

Resolved, That the Judiciary committee be and they are hereby requested to inquire into the constitutionality and expediency of blending the office of sheriff and assessor and tax collector, and that they report by bill or otherwise.

Mr. Palmer introduced a bill for the relief of James M. Robnett; read first time.

A message was then received from his excellency, the Governor, through his private secretary.

Mr. Franklin offered the following resolution :

WHEREAS, it is for the interest of the people of Texas, to establish a general, wise and just policy, indicating the course they desire and intend to pursue for their present benefit and the prosperity and happiness of those that come after them. Taking into consideration the geographical and natural position of the State of Texas, on the nearest and most practicable route for a railroad from the Mississippi to the Pacific, with a soil in variety and capacity for production, and a climate in salubrity, compared with other states and empires, equal to any and surpassing the most: looking to her large and unappropriated domain and the funds of the State arising from the sale of a portion of her north-western territory, it is the duty of the Representatives of the people of Texas, in their legislative capacity, to indicate and publish to the world that general, wise and just policy which the people of Texas, (mindful of what is due to themselves, their posterity, and to others,) intend to pursue; therefore,

Resolved, That the committee on State Affairs be instructed

to take into consideration the following propositions as the basis of the policy the people of Texas intend to pursue, in order to secure and promote the present interest and future prosperity of the State, and to report as to the propriety and wisdom of the propositions, or suggest such other policy as they may deem wise, should they disapprove of the basis proposed.

BASIS :

FIRST.—The five per cent. United States bonds, now in the treasury of the State, with the interest thereon ; the bonds of the United States for five millions of dollars not yet delivered to Texas, and the interest thereon when received, or so much thereof as shall remain after paying all such claims as the people of Texas admit have a special lien thereon, (in case said claims are not otherwise satisfactorily settled and adjusted,) shall be permitted to accumulate and the interest be so invested as to create and form a fund of ten millions of dollars, yielding an interest—the ten millions to be a perpetual fund, the legislature to dispose of the interest alone.

SECOND.—The ten millions at five per cent. will yield five hundred thousand dollars, to be disposed of by the Legislature annually for the following objects :

1. Two hundred thousand dollars, or such sum as may be necessary, to be applied to the payment of State and county expenses, suspending the laws imposing and authorizing the collection of State and county tax.

2. (50,000) Fifty thousand dollars, with the accumulating interest, to be set aside annually, to be added to the School Fund until the population of this State will authorize, and the Legislature shall establish a general system of Common Schools under the Constitution.

3. Two hundred and fifty thousand dollars, or so much as shall remain of the fund, after paying the State and county expenses, and adding fifty thousand dollars to the School Fund, to be appropriated annually to internal improvements—1st, to local internal improvements in the several counties. Then to internal improvements of a more general character under such regulations, and coupled with such system as the Legislature may hereafter establish. The two hundred and fifty thousand dollars per annum, when applied to internal improvements of a general character within the State, to be loaned at interest to advance such improvements, and in such manner that the fund devoted to this purpose shall continue to increase, by adding the accumulating interest to each annual appropriation of \$250,000.

THIRD.—Texas will designate a route for a railroad to the Pacific Ocean, through her territory, and will set apart as a bonus to such parties as may construct and equip a railroad to the Pacific through her territory, (20) twenty, or other number of alternate sections of (640) six hundred and forty acres of the public lands on the route of the said road through the State, reserving the other alternate sections on said road from location.

FOURTH.—Texas will set apart the alternate sections reserved from location on the Pacific railroad, as a fund out of which to pay the revolutionary debt of Texas, that has heretofore been, or may hereafter be, acknowledged by the State. The debt to be paid out of the said alternate sections, either in lands at one dollar and fifty cents per acre, or out of the proceeds of the sale of said reserved sections, as may be determined or agreed.

FIFTH.—The creditors of Texas can, at any time within years, receive land scrip at fifty cents per acre, or other sum, to be located on any vacant lands in the State, not reserved from location, in payment of their claims against the State; the land granted in payment to be free from taxation for ten years.

SIXTH.—The bonds of the United State for five millions of dollars, part of the purchase money agreed to be paid for a portion of the north-western territory of Texas, and the accumulating interest not yet delivered, but withheld by the United States, of right belongs to the State of Texas. Texas alone has the right to dispose of the same, with due regard to her obligations. Texas as a State, is *the judge* of what is right for her to do—of what is improper for her to do. Texas does not and will not consent that the said five millions of dollars and the accumulating interest shall be distributed otherwise than through the Treasury and officers of the State of Texas, as may be directed by the legislature.

On motion of Mr. Franklin, the resolution was laid on the table until Saturday, 26th instant, and 200 copies of said resolution ordered to be printed.

Mr. Hord moved to reconsider the vote taken on the report of the committee on Privileges and Elections, relative to the contested election from Walker county.

Mr. moved to lay the motion on the table; lost.

The yeas and nays were called for and stood as follows:

YEAS.—Messrs. Banks, Baylor, Birdwell, Boon, Cannon, Collier, Cone, Daniel, Fields, Fowler, Hall, Hicks, Holman, Holland, Hord, Hunt, Lewis, Lyday, Muckelroy, Meniffee, Melton of H, Melton of N, Palmer, Parsons, Rains, Randolph, Reily, Roberts,

Rogers, Schleicher, Shaw, Stont, Stroud, Tait, Taylor, Thorp, Throckmorton, Travis, Turner of R, Vontress, Walker, White, Whitmore, Wilson, Witt, Wood of L, Wooten.—47.

NAYS.—Messrs. Speaker, Bell, Berry, Bourland, Brown, Burk, Burney, Calvert, Charlton, Crawford of B, Crawford of W, Crosby, Darden, Dulany, Ferris, Franklin, Gaston, Kingsbury, Laird, Loving, Mallard, Marshall, Maverick, McCulloch, Moore of Polk, Moore, of Wood, Sims, Speights, Stapp, Swearingen, Turner of L, Wood of Cass.—33.

So the House took up the report and re-adopted it.

The following committee was then announced :

Select committee on the petition of the heirs of B. R. Milam.—Messrs. Throckmorton, Vontress, Ferris, Collier, Randolph, Bourland and Shaw.

On motion of Mr. Fields, a committee of three, consisting of the following members—Messrs. Fields, Rogers and Cone—was appointed to wait on their excellencies, the Governor and Lieutenant-Governor, and inform them of their election.

Mr. Palmer offered the following resolution :

Resolved, That H. M. Crabb be allowed the usual mileage and per diem pay, as members of the Legislature are allowed, from the 7th day of November to the 21st day of November, 1853, inclusive, to be paid out of the contingent fund of the House.

The yeas and nays were called for and stood as follows :

YEAS.—Messrs. Banks, Baylor, Boon, Calvert, Cannon, Crosby, Daniel, Darden, Fields, Franklin, Fowler, Hart, Hicks, Lewis, Maverick, Muckelroy, Menisee, Moore of P, Palmer, Parsons, Randolph, Reily, Roberts, Rogers, Schleicher, Speights, Stapp, Tait, Thorp, Throckmorton, Travis, Turner of L, White, Whitmore, Wiley and Wood of L.—36.

NAYS.—Messrs. Speaker, Adrian, Bell, Berry, Billingsly, Birdwell, Brown, Burk, Burney, Charlton, Cone, Crawford of W, Dulaney, Ferris, Gaston, Hall, Holman, Holland, Hunt, Laird, Loving, Lyday, Mallard, Marshall, McCulloch, Melton of H, Melton of N, Moore of Wood, Rains, Shaw, Sims, Stout, Stroud, Taylor, Turner, of R, Vontress, Walker, Wilson, Witt, Wood of C, Wooten.—41.

So the resolution was rejected.

On motion the House adjourned until 9½ o'clock, A. M., tomorrow.

AUSTIN, November 22, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Parsons presented the petition of Fred. Ezell; referred to the committee on Private Land Claims.

Mr. Calvert presented the petition of seventy-five citizens of Robertson county; referred to the committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Mr. Reily, chairman of the committee on Federal Relations, made the following report:

The committee on Federal Relations, to whom was referred the resolution to change the port of entry for the collector's district of Brazos de Santiago, from Point Isabel to Brownsville, have examined the same, and instructed me to report the same to the House without amendment, and recommend its adoption.

Mr. Holman, chairman of the committee on Indian Affairs, made the following report:

The committee on Indian Affairs, to whom was referred a bill entitled an act in relation to the Indians of Texas, have instructed me to report the same back to the House and recommend its passage, with the following amendments:

In section 5, fifth line from the bottom, amend by inserting the words "to be disposed of in such manner as the Legislature may thereafter see proper."

And amend in 4th line from the bottom by inserting the words, "provided that should the line of the contemplated Railroad to the Pacific run through any portion of said territory, selected under the provisions of this act, the right of way to three hundred feet in width, be and the same is hereby reserved."

Mr. Taylor, one of the committee on Engrossed Bills, made the following report:

Your committee on Engrossed Bills have examined a bill entitled an act to incorporate Anson Lodge, No. 29, I. O. O. F., and find the same correctly engrossed.

REPORTS OF SELECT COMMITTEES.

Mr. Billingsly, chairman of the Select committee, made the following report, to wit:

The Select committee to whom was referred the resolution requiring information from the Commissioner of the General

Land Office, in regard to the width of territory it would require to be set aside and reserved for the use and benefit of the Pacific Railroad, to contain 20,000,000 of acres of vacant land, beg leave to report that they have complied with that duty, and find from the calculation carefully made in the Land Office, that it would require a belt of country of 80 miles in width, until the reservation would reach the south-east corner of the territory sold to the United States, and from that point, only 40 miles in width to the Rio Grande.

BILLS AND RESOLUTIONS.

Mr. Whitmore offered the following resolution :

Resolved, That committee No. 2, on Private Land Claims, be created for the purpose of the more speedy dispatch of business, referred to the standing committees of this House, and that the following members be placed on said committee, to wit : Messrs. Melton of N., Birdwell, Laird, Stapp, Adrian and Dulany.

Mr. Hord offered the following substitute :

Resolved, That the Speaker appoint committee No. 2 on Private Land Claims, and that the committee on Private Land Claims be divided.

Mr. Burney proposed to amend by inserting "that the present committee on Private Land Claims be divided ;" accepted.

Mr. Hord proposed to amend by adding "the Speaker shall make such additions to said committee as he may deem proper."

Mr. Palmer proposed the following amendment, "provided that each committee shall not consist of more than nine ; resolution as amended adopted.

Mr. Bourland, chairman of the committee on the Land Office, by leave of the House, made the following report:

Your committee on the Land Office, to whom was referred that portion of the Governor's Message relating to the General Land Office, and the documents accompanying the same, emanating from that department ; also a bill entitled an act providing for the employment and compensation of a Second Assistant Draftsman in the General Land Office, and bill to be entitled an act authorizing the Commissioner of the General Land Office to employ assistants, have had the same under consideration, and have instructed me to report,

That the committee repaired to the General Land Office and examined, as far as their limited time would permit for that investigation, the subjects touching the matters submitted to them. We find that in the Draftsman's office, maps for twenty-nine counties need compiling or copying immediately, and that seven-

teen of that number must be done before patents can safely be issued to either.

The great number of applications for patents now pressing the Department, occasioned in part by the expiration of the time for the return of certain field notes, in accordance with previous laws fixing the time for the same, 31st of August last, and the great number of colonial grants by the late cabinet of Texas, renders it necessary to give to that department additional aid and assistance, so as to enable the head of that department to meet the pressing wants of the citizens from almost every portion of the State.

Your committee have also taken into consideration the salaries of the officers and clerks of the General Land Office, and are of opinion that they are inadequate for the labor done, that the amounts allowed each at present are insufficient to elicit the services of really competent men, where other inducements would be held out requiring like qualifications.

In view of all these facts and others not here noted, your committee have instructed me to report the accompanying bill and recommend its passage.

Your committee have also instructed me, before closing this report, to state that from all the information they have been able to gather, by observation or otherwise, that the office is ably and impartially conducted, not only by the Commissioner, himself, but all under his control.

Mr. Holman introduced a bill concerning the foreclosure of mortgages; read first time.

Mr. Fields introduced the following resolution:

Resolved, That the Finance committee, in conjunction with such committee as the Senate may appoint for the same purpose, be instructed to make a thorough examination of the books, papers and funds of the Treasury Department and report its situation to this House; laid on the table one day for consideration.

Mr. Turner of Lavaca introduced a bill for the relief of the heirs of John Robbins, deceased; read first time.

Mr. Palmer introduced a bill to authorize cities, towns and counties to take and hold stock in railroads; read first time.

ORDERS OF THE DAY.

The following communication from his excellency, the Governor was taken up, read and on motion of Mr. Burney, referred, with accompanying documents, to the committee on Finance, with instructions to the committee on Public Printing to have one thousand copies of said accompanying documents printed:

EXECUTIVE DEPARTMENT, STATE OF TEXAS, }
AUSTIN, November 21, 1853. }

*To the Honorable the Senate
and House of Representatives:*

GENTLEMEN: Accompanying this, I feel much pleasure in submitting to your honorable bodies, the voluminous but highly interesting and satisfactory report of James B. Shaw, Esq., the Comptroller of the State, for the years 1852 and 1853, and would respectfully draw your particular attention to its various details.

The several suggestions contained in the general remarks relative to the sale of lands for taxes, and their mode of assessment and collection, appear to me so well calculated to remedy existing evils that I cannot too strongly recommend them to the consideration of your honorable bodies, and I trust that steps will also be taken to provide the Comptroller with the additional clerical assistance that he stands so much in need of to enable him to keep pace with his arduous duties.

As one of the most efficient officers of the State Government, it affords me much gratification to avail myself of this opportunity to express my high appreciation of Mr. Shaw's invaluable services.

P. H. BELL.

The following resolution was taken up, and on motion of Mr. Billingsly, indefinitely postponed:

Resolved, That the House adjourn each day at or before one o'clock, P. M., and stand adjourned until 9 o'clock, A. M., of the succeeding day.

The following resolution was taken up:

Resolved, That the Adjutant General be requested to furnish this House with an estimate of the amount of land it would require to give to each officer and private that had served in any of the ranging companies of the late Republic of Texas, whose term of service expired previous to the 1st day of January, 1841, said estimates to be made from the muster rolls on file in his office, at the following rates, to wit: for one month's service 80 acres; two months' service, 160 acres; three months' service, 320 acres; and that said Adjutant General be furnished with a copy of this resolution.

Mr. Taylor proposed to amend by adding "and report the amount of land at 320 acres for each of the officers and privates engaged in the Snively expedition;" accepted.

Mr. Crawford of W. amended by inserting "provided that those also who served on the Morehouse expedition and on the

Somerville campaign, should be entitled to the same advantages."

Mr. Burney moved to postpone the resolution and amendments, until next Saturday, 10 o'clock; lost.

On motion of Mr. Crawford of W., the resolution and amendments were indefinitely postponed.

A communication was then received from his excellency, the Governor, through his private secretary.

A bill to amend the 26th section of an act concerning crimes and punishments; read second time, and on motion of Mr. Burney, referred to the committee on the Judiciary.

A bill to change the time of the biennial meetings of the Legislature of Texas; read second time, and on motion of Mr. Charlton, referred to the committee on State Affairs.

A bill to incorporate the Black Cypress Bridge, Ferry and Turnpike Company; read second time, and on motion of Mr. Ferris, passed to a third reading.

A bill to incorporate the Austin and Houston Turnpike Company; read second time and on motion of Mr. Burney, referred to the committee on Roads, Bridges and Ferries.

A message was received from the Senate, through their Secretary, informing the House that that body had passed a bill to amend the second section of an act amending an act authorizing the County Courts to regulate roads, appoint overseers, &c.

A bill to amend an act to incorporate the Chappell Hill Male and Female Institute; read second time, and on motion of Mr. White, referred to the committee on Education.

A bill to incorporate the Sharon Union School; read second time, and on motion of Mr. Wood of Cass, passed to a third reading.

A bill for the relief of James McGloin; read first time.

A bill incorporating the Grand Temple of Honor of the State of Texas, and subordinate Temples under its jurisdiction; read first time.

The following communication from his excellency, the Governor, was then read:

EXECUTIVE DEPARTMENT, STATE OF TEXAS, }
AUSTIN, November 23, 1853. }

Gentlemen of the Senate

and House of Representatives:

The period having arrived when it is proper for me to withdraw from the position of Chief Executive Magistrate of the State, I have the honor to announce to you, without the obser-

vance of any formality beyond that of placing the records of the Executive Department in the hands of the Lieutenant-Governor, my readiness to retire.

I tender you, gentlemen, my personal and official respects.

That your present labors may eminently redound to the honor of Texas, and that you may individually, in your passage through life, enjoy health and good fortune, is my sincere prayer.

P. H. BELL.

On motion of Mr. Darden, the communication was taken up, read and ordered to be spread upon the journals and transmitted to the Senate.

A report of the committee on Private Land Claims, recommending the passage of an act authorizing and requiring the Adjutant General to issue a certificate to the heirs of J. C. Logan, deceased, and an act authorizing and requiring the Commissioner of the General Land Office to issue a certificate of one-third of a league of land to the heirs of J. C. Logan, deceased, was taken up; report adopted, bills read second time, and ordered to be engrossed.

A report of same committee, recommending the passage of an act for the relief of the heirs of Walter H. Gilbert, deceased; report adopted, bill read second time and ordered to be engrossed.

Report of the committee on Private Land Claims on the petition of L. E. Griffith, taken up; report adopted and petition rejected.

A bill to abolish secret liens on real estate; read second time and referred to the committee on the Judiciary.

A bill to abolish the retailing of ardent spirits in each county, by vote of the people, at the next August election; read second time, and on motion of Mr. Turner of L., referred to the committee on State Affairs.

A bill granting Henry J. Jewett, Judge of the 13th Judicial District, leave of absence from the State; read second time, and on motion of Mr. Wood of L., ordered to be engrossed.

A bill to amend an act to provide for the payment of grand and petit jurors; read second time, and on motion of Mr. Stroud, referred to the committee on the Judiciary.

A bill making an appropriation for the mileage and per diem pay of members and officers of the fifth Legislature; read second time, and on motion of Mr. Charlton, referred to the committee on Finance.

A bill relating to Ferries; read second time, and on motion of Mr. Laird, referred to the committee on Roads, Bridges and Ferries.

A bill supplementary to an act to organize Justices' Courts, and define the powers and jurisdiction of the same, approved March 20th, 1848; read second time, and referred to the committee on the Judiciary.

A bill to declare legal evidence in the courts of this State, the abstract of certificates recommended as genuine by the Board of Travelling Land Commissioners, heretofore published by authority of the Commissioner of the General Land Office; read second time, and referred to the committee on the Judiciary.

A bill to charter the Tyler University; read second time, and on motion of Mr. Holman, referred to the committee on Education.

A bill to amend an act appropriating fines, forfeitures and penalties; read second time, and on motion of Mr. Lewis, referred to the committee on the Judiciary.

On motion, the House adjourned until to-morrow, 9½ o'clock, A. M.

AUSTIN, November 23, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Darden presented the petition of the heirs of John and Lanson Mills for land; referred to the committee on Private Land Claims No. 1.

Mr. Parsons presented the petition of David F. Lovel, for relief; referred to the committee on Private Land Claims, No. 1.

Mr. Parsons presented the petition of A. J. Dougherty for relief; referred to the committee on Private Land Claims No. 1.

Mr. Meniffee presented the petition of James Rogers; referred to the committee on Public Debt.

Mr. Vontress presented the petition of Henry Anderson for a league of land; referred to the committee on Private Land Claims, No. 1.

REPORTS OF STANDING COMMITTEES.

Mr. Randolph, chairman of the committee on Education, made the following reports, viz:

The committee on Education, to whom was referred a bill to charter Tyler University, have had the same under consideration,

and have instructed me to report the bill back to the House and recommend its passage, with the following amendment, viz :

Strike out the caption and insert in lieu thereof, "an act to incorporate Tyler University ;" report received.

The committee on Education, to whom was referred the Senate's bill to amend an act to incorporate the Chappell Hill Male and Female Institute, have examined the same, and I am instructed to report the bill to the House and recommend its passage.

Mr. Charlton, chairman of the committee on Public Debt, made the following reports, to wit :

The committee on Public Debt, to whom was referred the petition of Christopher Bryan, have duly considered the same, and the committee believing Mr. Bryan is not entitled to the relief prayed for in said petition, unanimously instruct me to report the same to the House, and recommend its rejection.

The committee on Public Debt, to whom was referred the petition of N. B. Labadie, have had the same under consideration. The committee are unanimous in the opinion that the prayer of the petitioner should not be granted, and instructed me to report the petition back to the House, and recommend its rejection.

The committee on Public Debt, to whom was referred the petition of Bernard Dougherty, have had the petition of the said Dougherty, praying for relief for losses represented to have been sustained by him during the Texas revolution, under consideration, and believing the petitioner not entitled to the relief prayed for, they have unanimously instructed me to report his petition back to the House, and recommend the same to be rejected.

Mr. White, chairman of the committee on Public Lands, made the following reports, to wit :

The committee on Public Lands, to whom was referred the petition of C. H. Buckner, have had the same under consideration, and have instructed me to report, that in the opinion of the committee the petitioner does not present such evidence as ought to entitle him to the relief asked for. The petitioner does not show that the certificates referred to in his petition ever did issue, or if issued, that they were regularly transferred to him. The committee therefore return the same back to the House, and recommend its rejection.

The committee on Public Lands, to whom was referred the petition of A. E. Osborn, have had the same under consideration,

and have instructed me to return the same back to the House, and ask its reference to the committee on Claims.

Mr. Hall, chairman of the committee on Internal Improvements, made the following reports :

The committee on Internal Improvements, to whom was referred a bill to incorporate the Brazos Branch Plankroad Company, have had the same under consideration, and have instructed me to report the same back to the House, with the following amendments, to wit :

In section 2d, in the fourth line thereof, after the words Plank Road, insert "commencing on the bank of the Brazos river within one-half mile of the ferry-boat landing, and running on the most direct accessible route so as to intersect the line of the Galveston and Red River Railway, or the Buffalo Bayou, Brazos and Colorado^s Railway, at the discretion of the company ; and your committee further recommend that section 11th of said bill be stricken out, and that section 13 be so changed as to read as follows, to wit : Sec. 13. That said road shall be finished within three years from the passage of this act.

All of which is respectfully submitted.

The committee on Internal Improvements, to whom was referred an act to encourage the building of steamboats, steamships, and other vessels in the State of Texas, have had the same under consideration. Your committee is satisfied that it is the true policy of the State to adopt such measures as are calculated to invite to her limits capital, enterprise and mechanical skill. Our State, although possessed of a superabundance of the very best materials, for the construction of ships and steamboats, is at present forced to pay tribute to ship yards at a great distance from her own rivers and ports, and impoverish herself by distributing among the ship-builders, workshops and foundries of other States, funds which, if circulated *at home*, would not only contribute to the support of her own citizens, but add to the wealth and commercial importance of the State. We require every year, from our rapidly increasing and expanding commerce, more steamships and vessels for the Gulf and Atlantic trade, and more steamboats for our rivers and lakes, and yet our forests of live oaks remain unbroken, and our mountains of iron undisturbed. Why should Texas send to New York, Boston and Nantucket for ships to carry our cotton to Liverpool and Bremen, and to Cincinnati and Pittsburg for steamboats to navigate the Trinity and Brazos ? No doubt Louisiana asked herself the same questions when she adopted a law favoring the same policy which your committee now recommend.

No doubt the State of Virginia entertained the same opinion when she built, rigged and launched, within her own "time-honored limits," one of the largest mercantile ships that was sailed, bearing our glorious flag, and named after that river where the great Washington was born. Louisiana has found her policy one of benefit to the State. Virginia has followed up her experiment, and your committee beg leave to ask why should Texas, just awakening to the full appreciation of her position and resources, with more and equally as good materials as either of her sister States, hesitate to adopt a policy which her agricultural and commercial interests demand?

Your committee do not entertain any doubt but that if proper encouragement is offered, ship yards, together with iron foundries equal to our wants, will soon be erected, so that they can ~~enter~~ the list, a competitor for the carrying trade with the world. ~~Entertaining~~ these views, the committee have instructed me to report the act submitted back to the House, and recommend its passage, with the following amendment:

In the 10th line of the 2d section, after the word "additional," strike out "fifty" and insert "twenty-five."

Mr. Burney, chairman of the committee on Private Land Claims, made the following majority report:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom was referred a bill to authorize and require the Commissioner of the General Land Office to issue a certificate to the heirs of James Rose, have had the same under consideration, and a majority of said committee have instructed me to report the bill back to the House and recommend its passage; report received to come up in its regular order.

The same committee made the following reports:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on Private Land Claims, to whom was referred the petition of Joseph Denson, have had the same under consideration, and a majority of said committee have instructed me to report the accompanying bill and recommend its passage; report and bill received to come up in their regular order. Also,

The committee on Private Land Claims, to whom was referred the petition of the heirs of Thomas Scott, have had the

same under consideration, and a majority of said committee have instructed me to report the following bill and recommend its passage:

A bill for the relief of the heirs of Thomas Scott; report and bill received to come up in their regular order.

The committee on Private Land Claims, to whom was referred the petition of J. C. Barden, have considered the same, and instructed me to report the same back to the House, and ask to be discharged from the further consideration of the same.

GEO. E. BURNETT, Chairman.

Report received to come up in its regular order.

The committee on Engrossed Bills made the following report:

Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined the following bills, viz:

A bill to be entitled an act authorizing and requiring the Commissioner of the General Land Office to issue a certificate for one-third of a league of land to the heirs of J. C. Logan, deceased;

A bill to be entitled an act authorizing and requiring the Adjutant General to issue a certificate for 2560 acres of land to the heirs of J. C. Logan, deceased;

A bill to be entitled an act granting Henry J. Jewett, Judge of the 13th Judicial District of the State of Texas, leave of absence from the State; and

A bill to be entitled an act to authorize and require the Commissioner of the General Land Office to issue to the heirs of Walter H. Gilbert, deceased, a certificate for forty-one hundred and eight acres of land, and find the same correctly engrossed.

J. H. SPEIGHTS, Chairman.

A minority on the above claim of James Rose for relief, which was referred to the committee on Private Land Claims, beg leave to dissent from the majority in this: that the evidence accompanying said petition is not sufficient to entitle said petitioner to the relief sought for in said petition; therefore we ask that the claim may be rejected.

Messrs. WHITMORE,

STANBURN,

MARTIN OF N.

WOOTEN.

A minority on the above claim of Joseph Deason for relief, to whom was referred the petition, beg leave to dissent from the ma-

that the committee on the subject of the claim may be referred to the committee on the subject of the claim; therefore we ask that the claim may be referred to the committee on the subject of the claim.

Messrs. Whitmore, Stroud, Melton, of N. Land.

The following standing committee was then announced by the chair.

Committee on Private Land Claims, No. 2.—Messrs. Whitmore, Stapp, Land, Tate, Wooten, Bullingsly, Parsons, Adrian and Fowler.

BILLS AND RESOLUTIONS.

Mr. Crawford of Washington introduced a bill for the relief of J. F. Ederington; read first time.

Mr. Cannon introduced a bill concerning the investment of funds of minors; read first time.

Mr. Marshall introduced a bill to apportion the business in the District Courts; read first time.

ORDERS OF THE DAY.

The report of the committee on County Boundaries, relative to creating the county of Karnes with accompanying bill, was taken up. Mr. Maverick offered the following amendment:

Sec. 5th: That all that part of Karnes county, which by this act is taken from Bexar county, shall be and remain subject to the Railroad Tax which was levied by vote of the people of Bexar county, in virtue of the charter of the "San Antonio and Mexican Gulf Railroad Company," the same in all respects as if said portion of territory had remained a part of Bexar county.

Sec. 6th: That the act entitled an act to prevent the locating and patenting of certain lands in Bexar county, approved February 16th, 1852, shall continue and be in full force over all that part of Karnes county which may be taken from Bexar county.

On motion of Mr. Schleicher, the amendment, with the report and bill, were re-referred to the committee on County Boundaries.

A resolution relative to appointing a committee to examine and report the situation of the Treasury Department, was taken up.

Mr. Fields offered the following substitute, which was adopted.

Resolved, That the Speaker appoint a committee of three, to act with such committee as the Senate may appoint for the same purpose; whose duty it shall be to examine and report the situation of the Treasury Department.

ENGROSSED BILLS.

A bill for the relief of America Elkins; read third time and passed.

A bill to incorporate the Texas and Red River Telegraph Company; read third time—yeas and nays called for and stood as follows:

YEAS.—Messrs. Speaker, Adrian, Banks, Berry, Billingsly, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Cannon, Charlton, Collier, Cone, Crawford of W., Crosby, Darden, Dufaney, Edwards, Ferris, Fields, Fowler, Gaston, Hart, Hicks, Holman, Holland, Hunt, Laird, Loving, Lyday, Mallard, Marshall, Maverick Muckleroy, McCulloch, Menifee, Melton of H., Melton of N., Moore of P., Moore of W., Palmer, Parsons, Randolph, Reily, Roberts, Schleicher, Shaw, Sims, Speights, Stout, Stroud, Swearingen, Tait, Thorp, Throckmorton, Turner of R., Walker, White, Whitmore, Wilson, Wiley, Witt, Wood of C., Wood of L. and Wooten.—69.

NAYS.—Mr. Rains.—1.

So the bill passed by a constitutional majority.

A bill for the relief Larkin Adamson; read third time and passed by a constitutional majority.

On motion of Mr. Witt, the vote taken on the bill for the relief of America Elkins was re-considered; read third time and passed.

A bill for the relief of John M. Bevins; read third time, and on motion of Mr. Stout, referred to the committee on the Judiciary.

On motion, the House adjourned until to-morrow morning, 9½ o'clock.

AUSTIN, November 24, 1854.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

On motion of Mr. Crosby, Mr. Waller came forward and presented his credentials, and took the oath of office and his seat.

Mr. Palmer was excused from attendance on the House on account of indisposition. Mr. Schleicher, Mr. Crawford of Bexar was excused from attendance on the House on account of indisposition.

PETITIONS.

Mr. Fields presented the petition of Samuel C. Belden; referred to the committee on Private Land Claims No. 1.

Mr. Banks presented the petition of Samuel G. Norval; referred to the committee on Private Land Claims No. 1.

Mr. Maverick presented the memorial of Henry Cowing, in regard to steam ploughs, &c.

Mr. Franklin moved to refer it to the committee on State Affairs.

Mr. Billingsly moved to print 200 copies of the same, which was lost.

Mr. Marshall moved to amend by referring the same to the committee on Public Printing, which was lost.

Mr. Edwards presented the petition of W. R. Jones; referred to the committee on Private Land Claims No. 2.

Mr. Fields presented the petition of William Gilmer; referred to the committee on Public Debt.

The Speaker then announced the following Special committee, viz:

Messrs. Fields, Dooly and Rogers, to act conjointly with the Senate committee to examine and report upon the condition of the Treasury.

REPORTS OF STANDING COMMITTEES.

Mr. Turner, chairman of the committee on County Boundaries, made the following report:

The committee on County Boundaries, to whom was referred the petition of sundry citizens of Goliad and Bexar counties, praying for new county, together with an amendment to the bill heretofore reported by said committee, which amendment reads as follows, to wit: Insert after section 4,

Section 5. That all that part of Karnes county, which by this act is taken from Bexar county, shall be and remain subject to the Railroad tax which was levied by a vote of the people of Bexar county, in virtue of the charter of the San Antonio and Mexican Gulf Railroad Company, the same in all respects as if the said portion of territory had remained a part of Bexar county.

Sec. 6. That the act entitled an act to prevent the locating

and patenting of certain lands in Bexar county, approved February 16th, 1852, shall continue and be in full force over all that part of Karnes county which may be taken from Bexar county.

Your committee have had the said amendments under consideration, and a majority of said committee have instructed me to report the same back to the House and recommend their adoption.

BILLS AND RESOLUTIONS.

Mr. Moore, of Polk, introduced a bill for the relief of John A. Robb; read first time.

Mr. Stapp introduced a bill for the issuance of patents in certain cases; read first time.

On motion of Mr. Crosby, the Hon. H. B. Waller was added to the committee on the Judiciary and to the committee on Internal Improvements.

Mr. Tait introduced a bill entitled an act for the relief of the heirs of Robert Cunningham, deceased; read first time.

Mr. Hall introduced a bill entitled an act to require the Commissioner of the General Land Office to issue land certificates in certain cases; read first time.

Mr. Hart introduced a bill entitled an act more fully defining the mode of removing causes from the District to the Supreme Court; read first time.

Mr. Birdwell introduced a bill entitled an act to provide for the construction of the Pacific and Texas Railroad; read first time.

Mr. Barney introduced a bill entitled an act creating the county of Bosque; read first time.

Mr. Stapp introduced a bill entitled an act for the relief of the heirs of Samuel Sprague, deceased; read first time.

Mr. McCulloch offered the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of repealing that portion of our statute law requiring defendants in suits in the District Courts, to be served with a full copy of petition, and whether it would not be sufficient notice to state in the writ the cause of action, especially when the suits are brought on notes of hand, and that they report by bill or otherwise; resolution adopted.

Mr. Thorp introduced a bill entitled an act to amend an act concerning the proceedings in the Supreme Court, approved February 11th, 1850; read first time.

Mr. Cannon offered the following resolution:

Resolved, That absentees be noted by the Clerk at each roll call of the House; laid over one day for consideration.

Mr. Swearingen introduced a bill entitled an act relating to the Chappell Hill Male and Female Institute; read first time.

Mr. Birdwell offered the following resolution:

Resolved, That two hundred copies of the Pacific and Texas Railroad bill be printed for the use of the House; which was adopted.

ORDERS OF THE DAY.

A bill to incorporate Sharon Union School; read third time. The bill on its passage, the yeas and nays were called and stood as follows:

YEAS.—Messrs. Adrian, Baylor, Bell, Berry, Billingsly, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Cannon, Charlton, Cone, Crawford of Washington, Daniel, Darden, Dooly, Dulany, Edwards, Ferris, Fields, Fowler, Gaston, Hall, Hart, Hicks, Holman, Holland, Hunt, Laird, Lewis, Loving, Lyday, Mallard, Marshall, Maverick, Muckleroy, McCulloch, Menifee, Melton of H, Melton of N., Moore of Wood, Parsons, Roberts, Rogers, Schleicher, Shaw, Sims, Speights, Stapp, Stout, Stroud, Swearingen, Tait, Thorp, Throckmorton, Turner of L., Turner of R., Vontress, Walker, Waller, White, Whitmore, Wilson, Wood of Cass, Wood of Leon and Wooten.—67.

NAYS.—Messrs. Taylor and Witt.—2.

So the bill passed by a constitutional majority.

A bill to incorporate the Black Cypress Bridge, Ferry and Turnpike Company; read third time.

The yeas and nays were called and stood as follows:

YEAS.—Messrs. Adrian, Baylor, Bell, Berry, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Cannon, Charlton, Cone, Crawford of W, Crosby, Daniel, Darden, Dooly, Dulany, Edwards, Ferris, Fields, Gaston, Hall, Hart, Hicks, Holman, Holland, Hunt, Kingsbury, Laird, Lewis, Loving, Lyday, Mallard, Marshall, Maverick, Muckleroy, McCulloch, Melton of H, Melton of N, Moore of P, Moore of Wood, Parsons, Randolph, Reily, Roberts, Rogers, Schleicher, Shaw, Sims, Speights, Stapp, Stout, Swearingen, Tait, Thorp, Throckmorton, Travis, Turner of L, Turner of R, Vontress, Walker, Waller, White, Whitmore, Wilson, Witt, Wood of C, Wood of L, and Wooten.—70.

NAYS.—Messrs. Billingsly, Menifee and Stroud.—3.

So the bill passed by a constitutional majority.

A majority report of the committee on Private Land Claims, recommending the passage of a bill authorizing and requiring the Commissioner of the General Land Office to issue a certi-

cate to the heirs of James Rose, with a minority report asking the rejection of the same, was taken up.

On motion of Mr. Turner, of Rusk, the bill and report were laid upon the table.

A report of the same committee upon the petition of J. P. Border, was taken up and adopted.

A report of the same committee, with an accompanying bill, upon the petition of Joseph Denson, recommending the passage of said bill, with a minority report, asking the rejection of the same, was taken up; bill read second time.

Mr. Randolph moved the engrossment of the bill.

Mr. Turner moved to lay bill and report on the table.

Mr. Fields offered the following amendment:

Provided, The Commissioner of the General Land Office shall be satisfied upon examination that no certificate has been issued for the quantity of land to which the said Joseph Denson was entitled; adopted.

Mr. Dooly moved that the bill as amended be engrossed.

On motion of Mr. Stout, the report and bill as amended were re-referred to the committee on the Judiciary.

A report of the same committee upon the petition of Thomas Scott, with accompanying bill, was taken up; bill read second time, and on motion of Mr. Charlton, ordered to be engrossed.

A bill authorizing and requiring the Commissioner of the General Land Office to issue to the heirs of Walter H. Gilbert a certificate for forty-one hundred and eight acres of land; read third time and passed.

On motion, the House adjourned until to-morrow, 9½ o'clock, A. M.

AUSTIN, November 25, 1853.

House met pursuant to adjournment—roll called—quorum present.

The journal of yesterday read and adopted.

A message was then received from the Senate, informing the House that that body had passed the following bills:

A bill making an appropriation for the per diem pay and mileage of the members, and the per diem pay of the officers of the Fifth Legislature.

A bill appropriating five thousand dollars to pay the contingent expenses of both Houses of the Legislature.

A bill to amend a Joint Resolution for the relief of the heirs

and assignees of Benjamin D. Nobles, deceased, approved December 31st, 1849.

Also, that Messrs. Scott and Wren have been appointed a committee on the part of the Senate, to act in conjunction with a like committee on the part of the House, to make an examination of the books, accounts and vouchers of the Treasury Department.

PETITIONS.

Mr. Roberts presented the petitions of the citizens of Shelbyville; referred to the committee on Roads, Bridges and Ferries.

Mr. Calvert presented the petition of Elizabeth Thompson and others; referred to the committee on Private Land Claims No. 1.

Mr. Calvert presented the petition of Morris Moore; referred to the committee on Private Land Claims No. 1.

REPORTS OF STANDING COMMITTEES.

Mr. Fields, chairman of the committee on Finance, made the following report:

The Finance committee have had under consideration a bill making an appropriation for the per diem pay and mileage of the members and officers of the fifth Legislature of the State of Texas, convened November 7th, 1853, and believing the amount appropriated by said bill will be sufficient to answer the purpose, I am instructed to report the same back without amendment, and recommend its passage.

Mr. Charlton, chairman of the committee on Public Debt, made the following report:

The committee on Public Debt, to whom was referred the petition of Chauncy Johnson, for losses sustained during the war with Mexico, have had the same under consideration.

Your committee are of opinion that losses of property must be borne as one of the evils incident to a State in war, in which every good citizen is expected to bear his part, even to the surrender of life itself.

The committee believing this to be the first of many similar claims to be presented for the action of the Legislature, look upon it as of infinitely more importance than the mere amount sought to be obtained, and that the Legislature may settle upon some definite policy, and to prevent the consumption of time, they submit this report with the resolution accompanying, and recommend its adoption:

Resolved, That it is the sense of the House that property destroyed by the enemy, or that which was unauthorizedly destroyed by our own troops, do not constitute a good and valid claim for compensation.

BILLS AND RESOLUTIONS.

Mr. Maverick introduced a bill entitled an act supplementary to an act entitled an act to perfect land titles in Castro's Colony, approved January 22d, 1850; read first time.

Mr. Edwards offered the following resolution:

Resolved, That the Clerk of the House procure seven copies of Cordova's Map of Texas, of the latest edition, for the use of the House and the various committees; adopted.

Mr. Ferris introduced a bill entitled an act regulating rents; read first time.

Mr. Waller introduced a bill, entitled an act to amend an act concerning divorce and alimony, passed 6th January, 1851; read first time.

Mr. Gaston introduced a bill for the relief of John Jordan; read first time.

Mr. Whitmore offered the following resolution:

Resolved, That J. Marshall be added to the committee on Internal Improvements.

Mr. Stout moved to amend by adding "the whole House;" rejected.

Mr. Franklin moved to add Mr. Cone of Brazoria; rejected.

Mr. Taylor moved to amend by adding the names of Messrs. Throckmorton and Speights; laid on the table.

On motion of Mr. Turner of Rusk, the resolution and amendments were laid on the table.

Mr. Moore of Polk introduced a bill entitled an act supplementary to an act to create the county of Trinity; read first time.

Mr. Throckmorton offered the following resolution:

Resolved, That the committee on Public Debt be instructed to take into consideration the propriety of making an appropriation to pay that portion of the first class debt of the State held by the citizens of Texas, and that they report by bill or otherwise.

Mr. Stapp offered the following as a substitute:

Resolved, That the committee on Public Debt be requested to investigate the propriety of paying the public debt of all classes, and report by bill or otherwise; lost.

Mr. Franklin moved to lay the resolution on the table; lost.

The resolution was then adopted.

Mr. McCulloch offered the following joint resolution :

WHEREAS, in the settlement of the public debt of the Republic of Texas, previous Legislatures have adopted what is known to the members of this Legislature and to the people of Texas as the scaled system, and as the people have at various times indicated their satisfaction with that system, and as we hold the action of former Legislatures in this matter to be wise and equitable :

Be it resolved by the Legislature of the State of Texas, That this Legislature does not intend to interrupt or change what they consider the settled policy of the State ; and that they now declare their fixed determination to adhere to the same, as a general system of settlement with the creditors of Texas ; read first time.

Mr. Turner of Rusk, by leave of the House, presented the petition of the ladies of Rusk county, praying the prohibition of the sale of intoxicating drinks ; referred to the committee on the Judiciary.

Mr. Baylor introduced a bill entitled an act to change the name of Gary Ann Bruce ; read first time.

ORDERS OF THE DAY.

The following resolution was taken up, and on motion of Mr. Stapp, laid on the table ,

Resolved, That absentees be noted by the Clerk at each call of the House.

A bill granting Henry J. Jewett, Judge of the 13th Judicial District, leave of absence from the State ; read third time and passed.

A bill authorizing and requiring the Adjutant General to issue a certificate of 2560 acres of land to the heirs of J. C. Logan, deceased ; read third time.

Mr. Turner of Rusk moved to suspend the rule prohibiting the amendment of bills on their third reading ; lost.

Mr. Turner of Rusk moved to re-refer the bill to the committee on the Judiciary ; lost.

The question on the final passage of the bill was put and carried.

A bill authorizing and requiring the Commissioner of the General Land Office to issue a certificate for one-third of a league of land to the heirs of J. C. Logan, deceased ; read third time and passed.

Mr. Darden offered the following resolution :

Resolved, That the committee on Private Land Claims be discharged; and that all petitions, bills or claims for land, which have been or may hereafter be presented to the House, shall be considered in committee of the whole House ; laid on the table one day for consideration.

Report of the committee on Education, recommending the passage of a bill to incorporate Tyler University, as amended, was taken up ; report adopted, and bill ordered to be engrossed.

The report of the committee on Education, upon a bill to amend an act to incorporate the Chappell Hill Male and Female Institute, was taken up ; passed to a third reading.

On motion of Mr. Edwards, the rule defining the order of business, was suspended, and the report of the committee on the Land Office was ordered to be taken up.

On motion, the House proceeded to other business until the report and accompanying bill, as substituted, could be procured.

The report of the committee on Public Debt, upon the petition of Christopher Bryan, was taken up and adopted.

The report of the committee on Indian Affairs, recommending the passage of the accompanying bill, as amended, was taken up ; report and amendment adopted.

Mr. Franklin moved that the bill be laid on the table ; lost.

On motion of Mr. Edwards, the bill was postponed until Wednesday, 30th instant, at 10 o'clock, and 200 copies ordered to be printed.

The report of the committee on the General Land Office, with a substitute for the two accompanying bills, was taken up ; report and substitute adopted.

Mr. Stapp offered to amend the substitute by striking out \$2,000 and inserting \$2,500, as an annual salary for the Commissioner of the General Land Office.

Mr. Cone offered to substitute the amendment by inserting \$3,000 ; lost.

M. Franklin moved the previous question ; carried.

The question being upon the adoption of the amendment offered by Mr. Stapp,

The yeas and nays were called for and stood as follows :

YEAS.—Messrs. Banks, Baylor, Bell, Boon, Cone, Crawford of W., Crosby, Darden, Edwards, Franklin, Hicks, Hunt, Lewis, Maverick, McCulloch, Reily, Roberts, Schleicher, Stapp, Swearingin, Thorp, Throckmorton, Travis, Turner of L., Walker, White, and Wooten.—27.

NAYS.—Messrs. Adrian, Berry, Billingsly, Birdwell, Bourland,

Brown, Burk, Burney, Calvert, Cannon, Charlton; Collier, Daniel, Dooly, Dunlap, Fields, Fowler, Gaston, Hall, Hart, Holman, Holland, Kingsbury, Laird, Loving, Lyday, Mallard, Marshall, Muckleroy, Mettifee, Melton of H., Melton of N., Moore of R., Moore of W., Parsons, Rains, Randolph, Shaw, Sims, Speights, Stout, Stroud, Tait, Taylor, Turner of R., Voutress, Walker, Whitmore, Wilson, Witt, Wood of C., and Wood of L.—52.

So the amendment was rejected.

On motion of Mr. Edwards, the bill was ordered to be engrossed.

On motion, the House adjourned until to-morrow, 10 o'clock, A. M.

AUSTIN, November 26, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Waller presented the petition of Isaac L. Hill; referred to the committee on Private Land Claims No. 1.

Mr. Dooly presented the petition of the citizens of Guadalupe county, praying to be annexed to Comal county; referred to the committee on County Boundaries.

Mr. Dooly also presented the petition of G. F. A. Wreade, praying for an unconditional certificate for 320 acres of land, with accompanying documents; referred to the committee on Private Land Claims No. 1.

Mr. Parsons presented the petition of R. B. Thomas; referred to the committee on Roads, Bridges and Ferries.

Mr. Banks presented the petition of Phebe Hamlet; referred to the committee on Private Land Claims No. 1.

Mr. Burney presented the petition of sundry citizens of McLennan county; referred to the committee on Education.

Mr. Burney offered the petition of sundry citizens of the territory lying on the Leon; referred to the committee on County Boundaries.

Mr. Stout presented the petition of Patsey Kitchens; referred to the committee on Private Land Claims No. 1.

Mr. Burk presented the petition of James A. and Dicey Craige; referred to the committee on Private Land Claims.

Mr. Rains presented the petition of Harriet Roberts and John F. Roberts; referred to the committee on Private Land Claims.

Mr. Turner of Rusk presented the petition of Wm. Elliott; referred to the committee on Public Lands.

Mr. Roberts presented the petition of the citizens of Shelby county; referred to the committee on State Affairs.

Mr. McCulloch presented the petition of a portion of the German citizens of Guadalupe county; referred to the committee on County Boundaries.

Mr. Vontress presented the petition of divers citizens of the county of Burnet, praying for a change of the north-west boundary of the county of Burnet, &c.; referred to the committee on County Boundaries.

Mr. Darden presented the petition of the citizens of Gonzales, Fayette, Bastrop and Lavaca counties for a new county; referred to the committee on County Boundaries.

REPORTS OF STANDING COMMITTEES.

Mr. Menifec, chairman of the committee on State Affairs, made the following report:

The committee on State Affairs, to whom was referred the petition of John B. Webster, asking an appropriation for one-half the value of a slave executed, have examined the same, and that the evidences of the execution of the slave, &c., are strictly in accordance with the provisions of law on the subject. The committee, therefore, report a bill back to the House in accordance with the prayer of the petitioner, and recommend its passage; read first time.

Mr. Reily, chairman of the committee on Federal Relations, made the following reports, to wit:

The committee on Federal Relations, to whom was referred the accompanying joint resolution, which said resolution reads as follows:

WHEREAS, In the sale of a portion of our public domain to the United States of America, and the settlement of our northern boundary, there was five millions of dollars of the money, or bonds for which this territory was sold, reserved and held by the United States as security for that portion of the liabilities of the Republic of Texas, which the government of the United States considered herself bound to pay or cause to be paid:

Be it therefore resolved by the Legislature of Texas, That our Senators in the United States Congress be instructed, and our Representatives requested, to use every exertion in their

power to obtain, at an early day, such a modification of the law establishing the northern boundary of the State of Texas, as will enable said State to obtain the use and control of the five millions of five per cent. bonds of the United States, (known as the reserved five millions,) and thereby induce our creditors to present their claims to the legal authorities of the State of Texas for adjustment and liquidation, and that the Governor furnish each of our Senators and Representatives in Congress with a copy of this resolution.

Your committee have had the same under consideration, and have instructed me to report the same back to the House and recommend its adoption.

The committee on Federal Relations, to whom was referred the memorial of C. J. Cook and A. A. Lockwood, asking that our Senators and Representatives in Congress be authorized to present to the proper authorities at Washington city, their claim for damages sustained by them from certain United States' soldiers at Fredericksburg, in the county of Gillespie, in this State, have considered the same.

Your committee are unanimously of the opinion, from the documentary evidence submitted with the memorial, that the memorialists have suffered great injury, and that reparation is due them as citizens of Texas from the General Government, and that it is the duty of the State to adopt the most effectual and speedy method of having Messrs. C. J. Cook and A. A. Lockwood, compensated to the full extent of their losses. The committee recommend the following resolution:

Joint resolution for the relief of C. J. Cook and A. A. Lockwood; read first time.

Mr. Fields, chairman of the committee on Finance, made the following report:

The Finance committee have had before them the biennial report of the Comptroller, for the years 1852 and 1853, and I am instructed to return the same to the House and recommend that it be transmitted to the Senate, the committee having ordered the printing of one thousand copies as directed by the House; report adopted.

Mr. Whitmore, chairman of the committee on Private Land Claims, made the following reports:

The committee on Private Land Claims No. 2, to whom was referred the petition of Charles W. Butler, have had the same under consideration, and after a careful examination of all of the evidences introduced in relation thereto, the committee have in-

structed me to report the bill back to the House and recommend its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of the heirs of Christopher Zumalt, have had the same under consideration, and after a careful examination of all the evidences introduced in relation thereto, a majority of said committee have instructed me to report the same back to the House and ask its rejection.

Mr. Sims, chairman of the committee on Roads, Bridges and Ferries, made the following reports :

The committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled an act to amend an act to authorize the erection of a toll bridge across the big Cypress, have had the same under consideration, and I am instructed by the committee to report, that in their opinion, the amendment proposed by the bill referred to them, will materially affect vested rights under the original charter. The bill is therefore reported back to the House, and the committee ask to be discharged from its further consideration.

The committee to whom was referred the two petitions of the citizens of the town of Shelbyville, in the county of Shelby, have duly considered the said petitions, and find that both embrace the same subject ; the object of petitioners, in the opinion of the committee, can be attained otherwise than by legislative action ; I am therefore instructed by a majority of the committee to report the petitions back to the House, and ask to be discharged from their further consideration.

The committee on Roads, Bridges and Ferries, to whom was referred the Senate's bill to incorporate the Austin and Houston Turnpike Company, have had the same under consideration, and I am instructed by a majority of the committee to report the bill back with the following amendment thereto annexed :

Add to section 4 : *Provided*, nothing in this act shall prevent any Railroad company from having a right of way between the cities of Austin and Galveston, which was also referred with the bill, and recommend the passage of the bill with the amendment.

Mr. Hart, one of the committee on Engrossed Bills, made the following report :

Your committee on Engrossed Bills have examined the following bills :

A bill to be entitled an act authorizing the Commissioner of the General Land Office to appoint additional draftsmen and as-

sistant Clerks to his Department, and to fix the salaries of the Commissioner and all under his control.

A bill to be entitled an act for the relief of the heirs of Thos. Scott, deceased.

A bill to be entitled an act to incorporate the Tyler University, and respectfully report that the same have been properly engrossed.

BILLS AND RESOLUTIONS.

Mr. Charlton offered the following resolution :

Resolved, That the Chief Clerk of the House cause to be examined the various vouchers and memorials of the past Legislatures, and deposit those calling pay for military or naval services, or for supplies furnished the army or navy of the late Republic of Texas, with the Auditor, and those calling for land for military services with the Adjutant General; adopted.

Mr. Sims introduced a bill to incorporate the Red River and Texas Insurance Company; read first time.

Mr. Wood of Cass introduced a bill to incorporate the town of Linden in Cass county; read first time.

A message was then received from the Senate, announcing to the House that that body had passed the following bills :

A bill to repeal a joint resolution for the punishment of vagrants, approved January, 1839; and,

A bill relinquishing to the counties the State tax for the years 1854 and 1855.

Mr. Cannon offered the following resolution :

Resolved, That the Sergeant-at-Arms procure and furnish to each member of the House a copy of the special acts of the regular session of 1852, except those to whom a copy of such special acts have heretofore been furnished, if any; adopted.

Mr. Crosby introduced a bill providing for the payment of witnesses in criminal cases; read first time.

Mr. Ferris offered the following resolution :

WHEREAS, the Hall in the new capitol has been prepared and tendered for the use of the House, with the understanding that its occupancy shall not be construed into an acceptance or delivery of the Capitol or furniture; therefore,

Resolved, That when this House adjourns, it will adjourn to meet on Monday next in the new Hall; that the seats shall be numbered by the Sergeant-at-Arms, and each member's seat be determined by drawing for the same.

Mr. Franklin offered to amend as follows :

That the seats of the members be determined by drawing Representative Districts, the District to be drawn by ballot. The Representatives to select their seats in the order in which the Representative District is drawn.

Mr. Dooley offered the following substitute for the amendment:

Amend, by inserting "that the seats shall be numbered in regular order, commencing at the seat most remote on the left of the the Speaker's desk, and that each member shall have the same number that he has at present in this Hall."

On motion of Mr. Wiley, Mr. Dooley's substitute was laid on the table.

Mr. Hord proposed the following amendment:

That the seats be divided into lots of four; any four members associating themselves may appoint one to choose for all; lost.

On motion of Mr. Charlton, Mr. Franklin's amendment was laid on the table.

Mr. Crosby moved an adjournment until Monday morning, half past 9 o'clock; lost.

Mr. Burney moved the previous question; carried.

The question being upon the adoption of the resolution,

The yeas and nays were called for and stood as follows:

YEAS.—Messrs. Speaker, Adrian, Banks, Baylor, Berry, Birdwell, Boon, Brown, Burk, Burney, Charlton, Collier, Crawford of W., Darden, Dulany, Edwards, Ferris, Fields, Franklin, Gaston Hall, Hart, Hicks, Holman, Holland, Hunt, Kingsbury, Laird, Lyday, Mallard, Muckleroy, McCulloch, Moore of P., Moore of W., Rains, Roberts, Schleicher, Swearingen, Tait, Thorp, Turner of L., Turner of R., Whitmore, Wiley, Wood of C., and Wooten.—47.

NAYS.—Messrs. Bell, Billingsly, Bourland, Calvert, Cannon, Crosby, Daniel, Dooley, Fowler, Hord, Loving, Marshall, Mave. rick, Menifee, Melton of H., Melton of N., Parsons, Randolph, Reily, Shaw, Sims, Speights, Stapp, Stout, Stroud, Taylor, Throckmorton, Travis, Walker, White, Wilson, Witt and Wood of L.—33.

So the resolution was adopted.

Mr. Franklin moved a reconsideration of the vote upon the resolution; carried.

Mr. Witt moved to re-consider the main question; carried.

Mr. Franklin offered the following amendment:

Provided, That members drawing seats may change seats by mutual consent; adopted.

Mr. White moved a division of the question, and that the vote

be taken first upon the adjournment and then upon drawing seats ; carried.

1st. Question upon adjournment was put and carried.

2nd. Question upon drawing seats as amended was put and carried.

Mr. Crawford of Washington introduced a joint resolution to rent and furnish a house for the Governor ; read first time.

The following communication in behalf of the citizens of Travis county, was read :

AUSTIN, November 26, 1853.

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

SIR: The members and officers of your honorable body are respectfully invited to attend a ball at the new Capitol, on Tuesday evening, the 29th instant, given by the citizens of Travis county, to Ex-Governor P. H. Bell, as a testimonial of their high appreciation of his services as a soldier and a statesman.

We have the honor to be your ob't servants,

J. W. ROBERTSON,	C. E. TRAVIS,	JOHN S. FORD,
R. N. LANE,	JO. SMITH,	H. W. SUBLETT,
H. L. UPSHUR,	THOS. GREEN,	BEN. F. HILL.
HUGH H. HAYNIE,	A. B. MCGILL,	ED. TEN EYCK,
J. B. BANKS,	T. S. ANDERSON,	A. J. HAMILTON,
W. P. DE NORMANDIE.		

On motion of Mr. Turner of Rusk, the House accepted the invitation.

Mr. Vontress introduced a bill to amend the 2nd section of an act better defining the marital rights of parties, approved March 3rd, 1848 ; read first time.

Mr. Travis introduced a bill to amend the 1st section of an act entitled an act regulating estrays, passed February 18th, 1850 ; read first time.

Mr. Banks introduced a bill supplementary to an act authorizing and requiring the county courts to regulate roads, appoint overseers, &c., approved March 15th, 1848 ; read first time.

Mr. Franklin offered the following resolution :

Resolved, That the Speaker of the House appoint three members of the House to direct the arrangement of the Representative Hall at the new Capitol ; adopted.

The following members were appointed on said committee:—

Messrs. Franklin, Bourland and Banks.

On motion of Mr. White, Mr. Vontress was excused from attendance on the House until Wednesday the 30th instant.

Mr. Stapp moved a suspension of the rules defining the order of business, and that a bill to create the county of Karnes be taken up; lost.

Mr. Swearingen moved an adjournment until Monday, nine o'clock, A. M.; lost.

On motion of Mr. Franklin, the resolution that was made the special order of the day for to-day 12 o'clock, was postponed until Wednesday, 30th inst.

Mr. Vontress introduced a bill for the relief of Mrs. Sally Owens and her three twin children, citizens of Williamson county, Texas; read first time.

On motion, the House adjourned to meet on Monday morning, 11 o'clock, in the new Capitol.

AUSTIN, November 28, 1853.

House met pursuant to adjournment—prayer by the Rev. Mr. Phillips—roll called.

The journal of Saturday read and adopted.

On motion of Mr. Cannon, Mr. Rushing, member elect from Cherokee, came forward, presented his credentials, took the oath of office and his seat.

On motion of Mr. Cannon, Mr. Rushing was added to the committee on the Judiciary.

Mr. Meniffee moved that the House go into the selection of seats, as proposed by a resolution which had been adopted regulating the same.

Mr. Fields proposed the following substitute to that part of the resolution which related to said selection:

Resolved, That so much of the resolution offered by Mr. Ferris on Saturday, and adopted by the House, as relates to the manner of allotting seats in the new Hall, be re-considered, and the following plan be adopted, viz: That the names of the members shall be placed in a hat and drawn by the Clerk, and each member, as his name is drawn, shall be permitted to choose his seat.

Mr. Wiley proposed the following substitute:

Resolved, That any number of members, not exceeding four, may associate themselves together and hand in their names to

the Speaker, and when the name of one is drawn, he shall select for those with whom he may be associated.

Mr. Schleicher offered the following substitute:

Resolved, That the Clerk proceed to call the roll, and the Sergeant-at-Arms draw a number to each name; laid on the table.

Mr. Brown moved to lay the resolution and substitutes on the table; carried.

Mr. Fields moved that Messrs. Turner of Lavaca, and Menifee be allowed to choose their seats.

Mr. Hart moved to add the name of Mr. Cannon.

Mr. Charlton moved to add the name of Mr. Shaw.

Mr. Hall moved to lay the motion on the table; carried.

Mr. Parsons moved that the House go into the selection of seats as proposed; carried; and Messrs. Collier, Hall and Menifee, were appointed to superintend the drawing of seats.

The following communication was then read:

AUSTIN, Nov. 28, 1853.

To the Hon. H. R. RUNNELS, *Speaker*,

and Gentlemen of the House of Representatives:

The undersigned managers, in behalf of the citizens of this county, would respectfully represent to your honorable body that it is their desire to give to Ex-Governor P. H. Bell a ball, as a testimony of our esteem and appreciation as an officer of our State, and have designated Tuesday, the 29th instant, as the day therefor; and there being no other house of sufficient dimensions to contain an assembly so large as is expected, would most respectfully beg permission to occupy the House of Representatives of the new capitol for that purpose.

The undersigned would pledge themselves that all the furniture and apparatus of the House will be returned and replaced in its proper position in due time for the meeting of the Legislature on the following day.

J. W. ROBERTSON,
C. E. TRAVIS,
JOHN S. FORD,
R. N. LANE,
J. A. SMITH,
H. W. SUBLETT,
H. L. UPSHUR,
THOS. GREEN,

BEN. F. HILL,
HUGH H. HAYNIE,
A. B. MCGILL,
ED. TEN EYCK,
J. B. BANKS,
W. P. DE NORMANDIE
A. J. HAMILTON,
T. S. ANDERSON,

On motion of Mr. Dooly, the communication was laid on the table.

Mr. Hunt offered the following resolution:

Resolved, That the use of the late Hall of the House of Representatives be offered to the managers of the ball to be given to Governor Bell; adopted.

The following communication was read:

AUSTIN, Nov. 28, 1853.

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

Events recently transpiring, not anticipated by me, make it necessary that I should return to my home. I would, therefore, beg leave to resign the office of Engrossing Clerk of your body.

Yours, most respectfully,

J. C. HARRISON.

On motion of Mr. Reily, the House accepted the resignation.

On motion of Mr. Taylor, the House proceeded to the election of an Engrossing Clerk to supply the vacancy caused by the resignation of J. C. Harrison.

Nominations being announced by the Chair as in order—

Mr. Charlton nominated

Mr. Mitchell,

“ Reily “

“ Hotchkiss,

“ Cannon “

“ Moore,

“ Parsons “

“ Brown,

“ Wiley “

“ Barnard.

There being no other nominations, Messrs. Whitmore, Burk and Waller were appointed tellers.

On telling the vote it appeared that

Mr. Mitchell received

43 votes.

“ Hotchkiss “

20 “

“ Moore “

13 “

“ Brown “

4 “

“ Barnard “

5 “

Mr. Mitchell having received a majority of all the votes cast, was declared by the Speaker duly elected Engrossing Clerk of the House of Representatives.

The clerk elect then came forward and was qualified.

Mr. Wiley moved to adjourn until to-morrow 9 o'clock, A. M.; lost.

Mr. Waller moved to adjourn until 3 o'clock, P. M.; lost.

PETITIONS.

Mr. Wood of Leon submitted the petition of Elisha S. Rob-

inson and others for relief; referred to the committee on Private Land Claims No. 2.

On motion of Mr. Palmer, the House adjourned until tomorrow, 9½ o'clock, A. M.

AUSTIN, November 29, 1853.

House met pursuant to adjournment—roll called—quorum present.

The journal of yesterday read and adopted.

PETITIONS.

Mr. Parsons presented the petition of J. W. Ferrill; referred to the committee on Private Land Claims No. 2.

Mr. Dulany presented the petition of Shelby Glass; referred to the committee on Private Land Claims No. 1.

Mr. Wood of Leon presented the petition of Thomas V. Morfimore and his wife for themselves and their children; referred to the committee on Private Land Claims No. 2.

Mr. Marshall presented the memorial of the citizens of the town of Marshall and Harrison county; referred to the committee on State Affairs.

Mr. Tait presented the memorial of certain citizens of Texas, for a Historical Society; referred to the committee on State Affairs.

Mr. Melton of Navarro presented a petition from the citizens of Navarro County, to incorporate the town of Corsicana, with an accompanying bill.

REPORTS OF STANDING COMMITTEES.

Mr. Franklin, chairman of the committee on the Judiciary, made the following reports:

The committee on the Judiciary, to whom was referred the petition of James D. Campbell, have had the same under consideration, and a majority of the committee have instructed me to report in favor of granting the relief asked.

Your committee have reported a substitute for an act referred to them, granting relief to Charles Stuart, jr., in which substitute the name of the petitioner, James D. Campbell, is included, so that the relief he asks will be extended to him by that act, should the House adopt and pass the substitute reported.

They return the petition and recommend that it be laid on the table for the present.

The committee on the Judiciary, to whom was referred the petition of Richard L. Hightower, praying to be permitted to practice law, and that the disability of his minority might be removed, have had the same under consideration, and a majority of the committee instruct me to report, that they deem it right and proper to grant the prayer of the petitioner, and that they have included the name of the petitioner in a substitute for a "Bill to be entitled an act for the relief of Charles Stuart, jr.," so that the House can take such action in reference to the prayer of the petitioner, when the substitute referred to comes up for consideration, as they may think right and proper in the premises. They ask to be discharged from further consideration of the subject.

The committee on the Judiciary, to whom was referred a bill to be entitled an act to amend the 45th and 46th sections of an act to regulate proceedings in the District Courts, approved May 13th, 1846, have had the same under consideration, and instruct me to report the bill back to the House with the following amendments:

First—in the caption, strike out the words, "a bill to be entitled."

Second—strike out the 28th line in section 45, and insert the following: "sued except in actions of debt, or suits by scire facias or motions."

Third—after the word "plaintiff," in the 32d line, 45th section, insert, after the second return, "not found."

In the 13th line, 46th section, strike out the word "suits," and insert, "actions of debt, or suits by scire facias."

In the 21st line, section 46, after the word "plaintiff," insert after the second return, "not found."

At the end of the 46th section, add "and in all cases where judgments are rendered against the principal and security or securities, and the security pays, or is compelled to pay the judgment—the same as to the principal shall not be extinguished, but shall enure to the benefit of the security or securities paying the same, and execution may issue thereon in the name of the plaintiff, for the benefit of the security, who shall be responsible for subsequent costs."

Thus amended your committee recommend the passage of the bill.

The committee on the Judiciary, to whom was referred a joint resolution to provide for amending the 27th section of the General Provisions of the Constitution, have had the same under consideration, and instruct me to report, that it does not appear to your committee that there is any necessity for so amending the

Constitution, and they are not advised that any great portion of the people desire the change. The resolution refers to the 27th section General Provisions. Your committee have considered the proposed change, as applying to 29th section, third article of the Constitution—the 27th article, General Provisions, having reference to the *taxing power*, they do not suppose that it was intended by the committee to abolish that power in the Government. They therefore return the joint resolution, and recommend its indefinite postponement.

The committee on the Judiciary, to whom was referred the petition of certain citizens of Harrison county, praying a repeal or modification of article 1717, Hartley's Digest, have had the same under consideration, and a majority of the committee instruct me to report that they do not think the amendment asked by the petitioners would be attended with any peculiar benefit to the State or to the people. They instruct me to return the petition, and ask to be discharged from further consideration of the subject.

The committee on the Judiciary, to whom was referred a bill to amend the 30th section of an act organizing Justice's courts and defining the jurisdiction and powers of the same, approved 20th March, 1848, have had the same under consideration, and a majority of the committee instruct me to report that it is inexpedient to make the change proposed by the bill referred to them; they therefore return the bill for such action as the House may think proper.

The committee on the Judiciary, to whom was referred an act to make an appropriation to purchase certain books for the use of the Supreme Court, have had the same under consideration; they instruct me to report the accompanying substitute, and recommend its passage.

The committee on the Judiciary, to whom was referred an act to amend an act to regulate proceedings in the District Courts, passed on the 13th day of May, 1846, have had the same under consideration, and instruct me to report the act with the amendments, and recommend its passage.

Amendments proposed—After the word "amend," in the first line of the caption, insert "the ninth section of."

In the last line on the first page, between the words "on the" and "president" insert "chief justice and mayor."

The committee on the Judiciary, to whom was referred the petition of Richard L. Hightower, the petition of James D. Campbell, praying for admission to practice law; and also a bill to be entitled an act for the relief of Charles Stewart—to avoid the ne-

cessity and expense of passing three distinct bills for the relief of the parties severally, they return the bill and substitute, and recommend the passage of the substitute.

The committee on the Judiciary, to whom was referred an act to amend the thirty-first section, and to repeal the sixty-fourth section of an act entitled an act to organize Justices' Courts and define the powers and jurisdiction of the same, approved March 20th, 1848, have had the same under consideration, and instruct me to report that they do not approve of the change in the law proposed by the act referred to their consideration; they instruct me to return the act and recommend its indefinite postponement.

The committee on the Judiciary, to whom was referred an act to change the name of Rachael F. Jackson to Rachael F. Crittenden, have had the same under consideration: they instruct me to return the act and recommend its passage.

The committee on the Judiciary, to whom was referred a bill to be entitled an act to enable sureties on bonds to be discharged therefrom, have had the same under consideration, and instruct me to report the bill to the House with the following amendments, and recommend its passage as amended:

First—Strike out the caption and insert "An act to enable sureties on the official bonds of sheriffs, constables, coroners, justices of the peace, clerks of the district and county courts, assessors and collectors, district and deputy county surveyors, or any other county officer required by law to give bond, to be relieved from future responsibility of said bonds."

Second—To the second section—strike out the three last lines on the first page, and insert "and in case any."

Mr. Menifee, chairman of the committee on State Affairs, made the following reports, viz:

The committee on State Affairs, to whom was referred the memorial of Henry Cowan, asking an appropriation of \$5,000 to perfect his "machine of all work," beg leave to report that they have maturely considered the same, and had a very explicit explanation from Mr. Cowan of the *modus operandi* of his machine, and also had drawings of his machine exhibited and explained. Your committee must say that they have been very forcibly impressed with the great ingenuity displayed by Mr. Cowan in the construction of the machine; judging from his drawings and explanations, it does appear from our limited investigations, that there is much serious attention deserving this subject.

If the objects of the inventor can be obtained, and the opera-

tions of the "machine of all labor" be reduced to practicability, it would certainly be a great *desideratum* in benefitting the agricultural classes, and in lessening the labor on works of internal improvements.

Your committee not feeling competent to judge of the merits of the subject referred to them, have thought best to report the memorial back to the House, and recommend that it be considered in committee of the Whole House.

The committee on State Affairs, to whom was referred a bill entitled an act to repeal the first clause of the fifth section of an act entitled an act to establish the Texas Orphan Asylum, have had the same under consideration, together with various memorials referred to the committee, in relation the same subject. To meet the object contemplated by the bill, and to comply with the various memorials presented in favor of the Texas Orphan Asylum, your committee beg leave to submit the following bill as a substitute, and recommend its passage.

Mr Palmer, one of the committee on Education, made the following report, to wit :

The committee on Education, to whom was referred a bill to be entitled an act to provide additional funds for the purposes of Education, and a substitute therefor, to be entitled an act to appropriate and set apart two millions of dollars as a special school fund, have had the same under consideration, and instruct me to report them back to the House, and recommend the adoption and passage of the substitute. The framers of our Constitution, and the united voice of the people in adopting the same, made it the duty of the Legislature which should come thereafter, to make suitable provisions for the support and maintenance of public schools. They even went farther, and endeavored to lay the foundation for the future building up of a system of free common schools, by setting apart one-tenth of the annual revenue derivable from taxation, as a perpetual fund for the support of the same. But it must be admitted by every candid mind, that this provision is wholly inadequate for the wise purposes it was intended. Though nearly eight years have elapsed since our government commenced under its last organization, this fund, from which nothing has yet been used for the support of schools, has not reached the sum of one hundred thousand dollars, even with the fifty thousand added to it from the five per cent. indemnity bonds, reserved from the United States. Texas was then poor, and did all that could then have been reasonably expected of her; but now she has an overflowing treasury, with the most flattering prospects for the future,

and it is the duty of those holding the direction of her destinies in their hands, to make wise and liberal provisions for the education of the rising generation. In no way can they better secure the prosperity of Texas, and the happiness of her people. It is to be hoped then, that another session of her Legislature will not be permitted to pass without doing something to meet the high expectations and urgent demands of the people upon this subject.

The substitute reported by the committee proposes to set aside \$2,000,000, as a special school fund, the principal of which shall be kept so invested as to secure an annual interest for the support of schools, to be expended in such manner as may hereafter be determined by law. The fund will thereby be rendered perpetual, and will produce a sufficient annual amount to put into immediate operation any economical system of schools which may be hereafter established. This fund, as it now stands, invested in the bonds of the United States at five per cent. interest, will bring one hundred thousand dollars per annum—more than the entire school fund of the State is now, after eight years accumulation.

To undertake to establish or put into operation a school system upon the present fund provided by the Constitution, would be worse than folly; for the entire amount would be used up in one year, and nothing effected. And to support a system of schools, even if two millions were set aside as a fund, without keeping the same invested, would eventually terminate alike unsuccessful. For if the system be supported from the principal alone, and the principal be permitted to remain without means of increasing, it must be used up in a very few years, and the country left without any permanent or adequate funds for the support of schools, and would be almost necessarily forced to resort, as many other States have done, to direct annual taxation as the last and only hope.

This difficulty every good citizen would see avoided, if possible; and your committee is induced to believe that it lies in the power of the present Legislature to place the State beyond all possibility of being involved in it, and in expressing the hope that action will be taken in this all important matter, without further delay, they feel confident that they express the wishes of more than nine-tenths of the people of Texas.

Mr. Charlton, chairman of the committee on Public Debt, made the following report, to wit:

Your committee on Public Debt, to whom was referred the petition of Wyatt W. Kennedy, have had the same under consi-

deration, and instructed me to report the same, with the following bill, and recommend its passage ; report received and bill read first time.

The committee on Public Debt, to whom was referred a bill to be entitled an act for the relief of Alexander Grant, having examined the same, together with such evidence touching its merits as was accessible to them, have instructed me to report as follows : The investigation made in the office of the Auditor of the State, by Messrs. Bourland and Turner, a sub-committee appointed for that purpose, satisfactorily shows that the sum of seventeen hundred and twenty-two dollars and twenty-two cents, the exact sum mentioned in said bill, was actually paid to Thos. W. Thornton, the assignor of Alexander Grant, by the Auditor of Public Accounts of the late Republic of Texas, under the provisions of a joint resolution of the Republic, approved December the 28th, 1837.

It appears that in 1836, a draft in duplicate, on Messrs. Thomas Toby & Brother, of New Orleans, was drawn by Bailly Hardeman, then Secretary of the Treasury, in favor of Messrs. E. Conrad and T. W. Thornton; that this draft was not paid by the drawer; that Thornton, during the following year, applied to the Congress of the Republic for relief; that the passage and approval of the joint resolution above referred to, was the result of this application, and under the provisions of that resolution he received all that was due to himself and Conrad. No doubt is entertained of the identity of the draft mentioned in the bill referred to the committee with that mentioned in the joint resolution, but by what means or at what time this draft came into the hands of Alexander Grant, the committee have not been able to ascertain. They are, however, clearly satisfied that the State of Texas does not owe the sum of seventeen hundred and twenty-two dollars and twenty-two cents, nor any part thereof, to Alexander Grant, on account of said draft, and that to pay the same would be to pay twice the same debt; and they recommend that the bill to be entitled an act for the relief of Alexander Grant be rejected.

Mr. White, chairman of the committee on Public Lands, made the following report :

Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred the pe-

tion of Thomas G. Box, have had the same under consideration, and instruct me to report :

That the petitioner, Thomas G. Box, was a resident citizen of the Republic of Texas at the date of the Declaration of Independence, that immediately after the opening of the Land Office under the act of 14th December, 1837, he procured a certificate for one-third of a league, as his headright ; that soon after he caused the same to be located in Houston District, and had a survey for 4,833,000 labors made under his certificate ; that on the 14th of October, 1847, a patent was issued to the petitioner for the lands included in his survey ; that at the time the location was made, the land had been previously surveyed and a title issued therefor, before the closing of the land office in 1835. Your committee believe that the location made by the petitioner was made in good faith, and that the patent was issued without his having any knowledge of the fact that the land had been previously surveyed and titled ; at the early day of making the location, there were no county maps on which many titles were omitted to be placed.

Your committee believe, as the issuing of the patent was the result of a bona fide mistake of the petitioner, for which he ought not to lose his claim on the State for his headright, they report the accompanying bill for the petitioner's relief and recommend its passage ; report received to come up in its regular order.

The same committee made the following reports :

The committee on Public Lands, to whom was referred the petition of John Burleson, have had the same under consideration, and have instructed me to report that the certificate of the Commissioner of the General Land Office, shows that patents Nos. 316 and 346 were issued to John Burleson, assignee of Elijah Tate ; that since the issuance of said patents, it has been ascertained that they conflict with lands heretofore granted by Mexico ; that said grants were confirmed by an act of the Legislature relinquishing the right of the State to certain lands therein named, approved February 10th, 1852. The petitioner solicits the Legislature to permit him to have said patents cancelled, and that he be permitted to locate the same amount of land elsewhere on any of the public unappropriated land. The committee see no just reason why the prayer of the petitioner should not be granted. They have instructed me to report a bill for that purpose, which is herewith submitted and its passage recommended.

FRANCIS M. WHITE, Chairman.

Report received to come up in its regular order.

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred the petition of Jacob Briggs, asking that a patent issued to him for 640 acrss of Land in Milam Land District, might be cancelled, have had the same under consideration, and have instructed me to report :

That patent No. 528, for 640 acres, third class headright, was issued to Jacob F. Briggs, in virtue of a duplicate land certificate, issued under the law, and procured and located by the agent of the petitioner, who also procured the patent ; that the petitioner employed an agent to get this duplicate certificate, believing the original certificate to be lost ; that he was subsequently informed that the original certificate was in the hands of one John R. Tally ; that the said John R. Tally, by his agent purchased the original certificate on condition that the duplicate certificate should not have been issued, located and patented. In case the duplicate should have been issued and patented, petitioner was to refund the purchase money to the said Tally. The petitioner immediately wrote to his agent requesting him not to have a patent issued on the duplicate certificate. The petitioner tendered the purchase money received for the certificate, on being informed by the agent that his patent had already been issued ; but the said Tally refused to receive it, and deliver up the original certificate. The petitioner, in his memorial, surrenders his patent and asks that the same may be cancelled, as he does not desire even a remote imputation to rest on him, of any unfairness towards the State or any individual.

Your committee believe the prayer ought to be granted, and have instructed me to report the following bill for the purpose.

F. M. WHITE, Chairman.

Report received to come up in its order.

Mr. Turner, chairman of the committee ou County Boundaries, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on County Boundaries, have had under consideration the peition of sundry citizens of Gonzales, Fayette, Eastrop and Lavaca counties, for the creation of a new county to be called Alamo, and I am instructed by said committee to report against the prayer of petitioners.

Upon a careful investigation of the subject, the committee are

satisfied that a new county cannot be formed of the territory named, without cutting down the old ones from which it is proposed to be taken, much below their proper limits, nor would the new county contain near the constitutional area. The committee doubt the power of the Legislature to make new counties of less area than 900 square miles, and believing it inexpedient, in this case at least, to intrude upon old counties, as some of them do not at present contain more than their constitutional area.

The petition is herewith returned with a request that the committee be discharged from its further consideration.

A. TURNER, Chairman.

Mr. Rains, chairman of the committee on Claims and Accounts, made the following report :

Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Claims and Accounts, to whom was referred the petitions of David Cook, Jesse Burnham and Robert P. Boyce, beg leave to report that they have had them respectively unner consideration, and that from the insufficiency of the testimony adduced in support of the justness of their claims, they are satisfied that they are not meritorious, and that the prayers of the petitioners should therefore be rejected.

EMERY RAINS, Chairman.

Mr. Whitmore, chairman of the committee on Private Land Claims No. 2, made the following report :

Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

Your cammittee No. 2, on Private Land Claims, to whom was referred the petition of Hiram Rattan, praying relief for 640 acres of land, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioner is not entitled to the quantity of land prayed for in said petition ; the committee therefore instruct me to report the memorial with the accompanying documents back to the House, and recommend its rejection.

G. W. WHITMORE, Chairman.

Also, your committee No. 2, on Private Land Claims, to whom was referred the petition of Cyrus Lovelady, praying relief for 640 acres of land, have duly considered the same. The committee are satisfied from the evidence before them that

said petitioner is not entitled to the land prayed for in said petition as a colonist; the committee therefore instruct me to report the memorial back to the House and ask its rejection.

G. W. WHITMORE, Chairman.

Also, your committee No. 2, on Private Land Claims, to whom was referred the petition of the heirs of Isaac Aldridge, praying relief for $\frac{2}{3}$ of a league and labor of land, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioners are not entitled to the quantity of land prayed for in said petition; the committee therefore instruct me to report the memorial back to the House and ask its rejection.

G. W. WHITMORE, Chairman.

Also, your committee No. 2, on Private Land Claims, to whom was referred the petition of H. W. Carter, praying relief for land, have carefully examined all the evidence. The committee are satisfied from the evidence before them, that said petitioner is not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the memorial with the accompanying documents back to the House and ask its rejection.

G. W. WHITMORE, Chairman.

Reports received to come up in regular order.

BILLS AND RESOLUTIONS.

Mr. Holman introduced a bill incorporate the town of Tyler; read first time.

On motion of Mr. Swearingen, Mr. Crawford of Washington was excused for attendance on the House for ten days.

Mr. Burney introduced a bill to create the county of Pierce; read first time.

Mr. Parsons introduced the following resolution:

Resolved, That Wednesday and Saturday of each week be set apart for disposing of the business on the Speaker's table; laid on the table one day for consideration.

Mr. Taylor introduced a bill for the relief of Nelms, et al.; read first time.

Mr. Hord offered the following resolution:

That when reports are in order it shall be the duty of the chairman of each committee as it is called, to state at what time his committee will next meet; laid on the table one day for consideration.

Mr. Sims, chairman of the committee on Roads, Bridges and Ferries, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled an act to authorize Benj. N. Hampton to build a toll bridge across the Rock Creek, have duly considered the same, and the committee unanimously instruct me to report the accompanying substitute for said bill and recommend its passage. Respectfully submitted.

J. W. SIMS, Chairman.

Mr. Palmer introduced a bill to enable Henry F. Fisher and Burchard Miller to perfect titles to the lands for which certificates have been issued to them within the limits of Fisher & Miller's grant ; read first time.

A message was then received from the Senate, informing the House that that body had passed the following bills :

A bill granting to Henry J. Jewett, Judge of the 13th Judicial District of the State of Texas, leave of absence from the State.

A bill supplemental to an act regulating fees of office.

A bill supplementary to an act entitled an act supplementary to and amending an act for the relief of the citizens of Mercer's Colony, approved February 2d, 1850.

A bill to amend the 3d section of an act incorporating the Clarksville and Mount Pleasant Turnpike Company.

A bill supplementary to an act to incorporate the Clarksville and Mount Pleasant Turnpike Company.

Also, a bill to incorporate the Howard Association of Galveston.

Mr. Franklin introduced a bill to confirm the patent issued to Levi Jones and Edward Hall, on the 28th day of November, 1840; read first time.

Mr. Burney introduced a bill for the relief of David Mumford ; read first time.

Mr. Dooly offered the following resolution :

Resolved, That the Speaker appoint a committee to investigate the condition of land titles in Fisher & Miller's Colony, and that they report by bill or otherwise ; adopted.

The following members were appointed said committee :

Messrs. Dooly, Reily, Wiley, Moore of Polk and Speights,

Mr. White offered the following resolution :

Resolved, That the committee on State Affairs be instructed to inquire into the expediency of abolishing the present license system for the retail of vinous or spirituous liquors, in quantities less than a quart, and if found inexpedient, to report a bill for that purpose, containing certain provisions adopted and recommended to this Legislature by the late State Temperance Convention, held in the City of Austin; adopted.

Mr. Throckmorton introduced a bill for the relief of Peter K. Wagner; read first time.

Mr. Moore of Polk introduced a bill to regulate the style of process, &c.; read first time.

ORDERS OF THE DAY.

The following resolution was then taken up:

Resolved, That the committee on Private Land Claims be discharged, and that all petitions, bills or claims for lands which have been or may hereafter be presented to the House, shall be considered in committee of the whole House; laid on the table.

A report of the committee on the Judiciary, recommending the indefinite postponement of a bill making valid patents to lands issued to persons who may be dead at the time of issue, was taken up and adopted.

A bill for the relief of James M. Robinett; read second time, and on motion of Mr. Palmer, referred to the committee on Claims and Accounts.

The report of the committee on County Boundaries, recommending the passage of accompanying bill and amendment, authorizing the Clerk of the County Court of Milam county to transcribe certain records, was taken up, report adopted, and on motion of Mr. Calvert, bill as amended was ordered to be engrossed.

A message was then received from his excellency, the Governor, through his Private Secretary.

Hon. C. A. Horton accepted an invitation from the Speaker to a seat within the bar.

A bill to amend the 6th section of an act entitled an act punishing crimes and misdemeanors, passed 21st December, 1836; read second time, and on motion of Mr. Taylor, referred to the committee on the Judiciary.

Mr. Edwards introduced a bill to provide for the issuance of bounty and donation land warrants to persons entitled to the same; read first time.

The following communication from his excellency, the Governor, was then taken up and read :

EXECUTIVE DEPARTMENT, STATE OF TEXAS, }
AUSTIN, November 29, 1853. }

*Gentlemen of the Senate
and House of Representatives :*

GENTLEMEN: Accompanying this I have the honor to transmit the biennial report of the Secretary of State.

The lucid manner in which the Secretary of State has treated the various details of his Department, and the evident necessity for the Legislative appropriations therein requested, induce me to recommend their favorable consideration by your honorable bodies.

JAMES W. HENDERSON.

On motion of Mr. Fields, the communication and accompanying documents were transmitted to the Senate.

A bill for the relief of B. R. Houghton; read second time, and on motion of Mr. Taylor, referred to the committee on Private Land Claims.

An act to amend the 27th section and repeal the 28th section of an act entitled an act concerning crimes and punishments, approved 20th March, 1848; read second time, and on motion of Mr. Fields, referred to the committee on the Judiciary.

The report of the committee on Claims and Accounts, asking to be discharged from the further consideration of the petitions of Henry Helton and L. H. W. Johnson, was taken up and adopted.

The report of the committee on Claims and Accounts, asking to be discharged from the further consideration of the petition of Mrs. Frances A. Tabor, was taken up.

Mr. Parsons moved that the petition be re-referred to the committee on Claims and Accounts; lost.

Report adopted.

A bill relative to certain special liabilities reported by the Auditor and Comptroller, and confirmed by the Legislature; read second time, and on motion of Mr. Franklin, referred to the committee on Public Debt.

A bill for the relief of Elisha Roundtree; read second time, and on motion of Mr. Maverick, referred to the committee on Private Land Claims No. 2.

A bill to incorporate the Columbia, Wharton and Austin Railroad Company; read second time by caption, and on motion

of Mr. Cone, referred to the committee on Internal Improvements.

A bill to amend the fifth section of an act to regulate estrays, passed February 8th, 1850; read second time and on motion of Mr. Fields, referred to the committee on State Affairs.

A bill to amend an act providing for the assessment and collection of taxes, approved February 11th, 1850; read second time, and on motion of Mr. Burk, referred to the committee on Finance.

A bill for the relief of David Andrews; read second time, and on motion of Mr. Taylor, referred to the committee on Private Land Claims No. 2.

A bill to amend an act incorporating the Henderson and Burksville Railroad company; read second time, and on motion of Mr. Charlton, referred to the committee on Internal Improvements.

A bill concerning writs of sequestration, &c.; read second time, and on motion of Mr. Wiley, referred to the Judiciary committee.

A bill to incorporate the town of Centreville, Leon county; read second time, and on motion of Mr. Taylor, referred to the committee on County Boundaries.

The report of the committee on State Affairs, on the petition of James H. Hays, recommending its indefinite postponement, was taken up and adopted.

The report of the committee on State Affairs, on a bill punishing violators of the Sabbath, recommending its rejection, was taken up, and on motion of Mr. White, laid on the table for the present.

The report of the committee on the Judiciary, upon the petition of sundry citizens of Harrison county, relative to roads, asking to be discharged from a further consideration of the same, was taken up, and report adopted.

Mr. Roberts introduced a bill further to regulate and tax the sale of spirituous liquors; read first time.

Mr. Edwards moved to adjourn until 3 o'clock, P. M.; lost.

On motion, the House adjourned until to-morrow, 10 o'clock, A. M.

.. AUSTIN, November 30, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

Mr. Franklin moved to amend the journal by stating what bills have been read by their captions; adopted.

PETITIONS.

Mr. Reily presented the petition of A. S. Ruthven; referred to the committee on Private Land Claims No. 1.

Mr. Melton of N., presented the memorial of sundry citizens of Hill county; referred to the committee on State Affairs.

Mr. Burney presented the petition of the citizens of Bell county; referred to the committee on County Boundaries.

Mr. Daniel presented the petition of Jacob Lee, for land; referred to the committee on Private Land Claims No. 2.

REPORTS OF STANDING COMMITTEES.

Mr. Fields, chairman of the committee on Finance, made the following report:

The Finance committee have had under consideration certain petitions of sundry citizens of the county of Smith, recommending a change in the mode of assessing and collecting of taxes, and I am instructed by a majority of the committee to report adversely to the prayer of petitioners. The plan suggested is to authorize assessors to give notice of a time and place at which the people shall attend to give in and pay their taxes. There are several arguments in favor of this system, but the committee do not think the advantages to be gained by the change will be so great as to justify an abandonment of the present mode, now well understood and easily carried out. If necessary, the committee prefer increasing the pay of assessors. Frequent changes of law tend to keep the people in ignorance of their provisions, and should be as far as possible avoided. The committee, therefore, ask to be discharged from a further consideration of the subject.

Mr. Rains, chairman of the committee on Claims and Accounts, made the following report:

The committee to whom was referred the petition of Elijah Anderson, praying compensation for a mare lost in the service of the late Republic of Texas, beg leave to report that they have had the same under consideration, and that from the testimony before them, they are satisfied that the claim is not a meri-

torious one, and that the prayer of the petitioner should be rejected.

The committee on Claims and Accounts, to whom was referred the petition of William B. Jaques, have given the same a patient and attentive consideration, and they have instructed me to report the accompanying bill and recommend its passage; report received and bill read first time.

Mr. Burney, chairman of the committee on Private Land Claims No. 1, made the following reports:

The committee on Private Land Claims, to whom was referred a bill for the relief of John Lewellen, have examined the same, and a majority of the committee have instructed me to report the bill back to the House and recommend its rejection.

The committee on Private Land Claims No. 1, to whom was referred the petition of John C. Lee, have had the same under consideration, and instruct me to report the accompanying bill for his relief, and recommend its passage; report received, and bill read first time.

The committee on Private Land Claims No. 1, to whom was referred the petition of Isaac L. Hill, have duly considered the same, and feel well assured that the petitioner has rendered valuable services to the country; but having received all the land to which he was entitled under the laws of the Republic of Texas, the committee therefore instruct me to report the petition back to the House, and ask that it be rejected.

The committee on Private Land Claims No. 1, to whom was referred the bill and petition for the relief of Rebecca Edwards, have duly considered the same; have instructed me to report the bill back to the House, and recommend its passage.

The committee on Private Land Claims No. 1, to whom was referred the petition of Benjamin Hubert, have duly considered the same, and a majority of the committee have instructed me to report the same back to the House, and ask that the said petition be referred to the committee on the Judiciary.

The committee on Private Land Claims No. 1, to whom was referred the petition of W. G. Tumlinson, have had the same under consideration, and after examining all the evidence in support of the claim, and the laws in reference thereto, the committee have instructed me to report the following bill for his relief,

and recommend its passage; report received and bill read first time.

The committee on Private Land Claims, to whom was referred a bill for the relief of Jacob Harrison, have duly considered the same, and being clearly of the opinion that the said Harrison is justly entitled to relief, but not to the extent asked for in said bill, have instructed me to report a substitute for the bill and recommend its passage.

The committee on Private Land Claims, to whom was referred the petition of James Veasey, praying for relief, have duly considered the same, and instruct me to report the same back to the House, and recommend the passage of the accompanying bill for his relief; report received and bill read first time.

The undersigned, a minority of your committee on Private Land Claims, being fully satisfied that John Lewellen of Galveston county, emigrated to the Republic of Texas in the year 1835, that he participated in her struggle for independence, and was at the battle of San Jacinto; that he was married in 1837, and that he now resides in the State with his family; that he did not leave his country to avoid a participation in her struggle for independence; that he has never received the quantity of land to which he is justly entitled, to wit—a league and labor; and thoroughly convinced that his application is a meritorious one, and that every principle of justice and equity demands that the relief sought should be granted. We therefore most earnestly recommend the passage of the accompanying bill for his relief.

H. P. C. DULANY,
C. WM. TAIT,
G. E. BURNEY.

Report received and bill read first time.

Your committee on Private Land Claims No. 1, to whom was referred a bill authorizing and requiring the Commissioner of the General Land Office to issue a certificate for one league and labor of land, to the heirs of Wm. E. Robert, deceased; also, a bill authorizing and requiring the Adjutant General to issue a certificate for six hundred and forty acres of land to the heirs of Wm. E. Robert have duly considered the same, and are satisfied that said Roberts emigrated to Texas in 1836, performed all the duties required of him under the colonization laws, and was entitled under the law, as an emigrant to one league and labor of land; and further, that said Robert was enrolled in June, 1836,

a permanent volunteer in the army of the late Republic of Texas ; that he was discharged in June, 1837, on a Surgeon's certificate of disability, and died subsequently, while on his way to Kentucky after his family.

The committee, unanimously, have instructed me to report the bills back to the House and recommend their passage.

Mr. Whitmore, chairman of the committee on Private Land Claims No. 2, made the following report :

Your committee on Private Land Claims No. 2, to whom was referred the petition of Lindsey Lewis, praying relief for 640 acres of land as a colonist, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioner has never received the quantity of land that he was entitled to as an emigrant. The committee therefore instruct me to report the accompanying bill back to the House for his relief, and recommend its passage ; report received and bill read first time.

A minority of the committee on Private Land Claims No. 2, made the following report :

A minority of the committee on Private Land Claims No. 2, to whom was referred an act for the relief Lindsey Lewis, beg leave to dissent from the majority report, for the reason that said Lewis removed beyond the limits of the Colony before the expiration of three years, the time required by law, and respectfully recommend the indefinite postponement of the bill.

A. J. LAIRD,
G. W. WHITMORE,
J. H. FOWLER.

Mr. Whitmore, chairman of the committee on Private Land Claims No. 2, made the following reports :

The committee on Private Land Claims No. 2, to whom was referred the petition of W. R. Jones, praying relief for three hundred and twenty acres of land, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioner has never received the quantity of land he was entitled to as an emigrant. The committee therefore instruct me to report the accompanying bill back to the House for his relief, and respectfully recommend its passage ; report received and bill read first time.

Your committee No. 2, on Private Land Claims, to whom was referred the petition of Napoleon Darnelle, praying for re-

lief for three quarters of a league and labor of land, have duly considered the same. The committee are satisfied from the evidence before them that said petitioner is not entitled to the quantity of land prayed for in said petition; the committee therefore instruct me to report the memorial with accompanying documents back to the House, and ask its rejection.

Your committee No. 2, on Private Land Claims, to whom was referred the petition of Henry Anderson, praying for relief for one league of land, have had the same under consideration. The committee are satisfied from the evidence before them, that said petitioner is not entitled to the quantity of land prayed for in said petition. The committee therefore instruct me to report the memorial with the accompanying documents back to the House and ask its rejection.

Mr. Sims, chairman of the committee on Roads, Bridges and Ferries, made the following report:

The committee on Roads, Bridges and Ferries, to whom was referred the petition of sundry citizens of Hopkins county, asking a charter for a turnpike and toll bridge across Cotton Wood and White Oak Creeks, have had the same under consideration, and a majority of the committee instruct me to report the accompanying bill and recommend its passage; report received and bill read first time.

Mr. Speights, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined a bill to authorize the Clerk of the County Court of Milam County to transcribe certain records, and find the same correctly engrossed; report accepted.

Mr. Hord, chairman of the Select committee, made the following report:

The Select committee, to whom was referred the message of the Governor, with instructions to superintend the translation of the same, in the Spanish language, and also the proof sheets thereof, having discharged those duties, have to report that they find it correctly translated and printed; report accepted.

BILLS AND RESOLUTIONS.

Mr. Fields introduced a bill to prevent persons convicted of certain high crimes, from giving testimony in civil suits; read first time.

Mr. Palmer introduced a bill to amend the act entitled an act to provide for the registry of deeds and other instruments of writing, approved March 12th, 1846; read first time.

Mr. Waller introduced a bill to prevent cruelty to slaves; read first time.

Mr. Darden introduced a bill for the relief of Mariamne Hutchinson; read first time.

Mr. Calvert introduced a bill to locate the seat of Justice of the county of Robertson; read first time.

Mr. Daniel introduced a bill to prevent violations of the Sabbath; read first time.

Mr. Palmer introduced a bill to amend an act concerning crimes and punishments, approved March 20th, 1848; read first time.

Mr. Palmer introduced a bill for the relief of Henry A. Peters; read first time.

Mr. Wiley introduced a joint resolution relative to mail routes; read first time.

Mr. Waller introduced a bill to amend an act entitled an act regulating attachments, approved March 11th, 1848; read first time.

Mr. Lewis offered the following resolution:

WHEREAS, it is the true policy of the State of Texas, with her vast unappropriated public domain, to encourage and assist in the construction of the Atlantic and Pacific Railroad, running centrally through the State, by appropriating therefor twenty alternate sections to the mile; and whereas, a wise and liberal policy, commensurate alike with the untold resources of the State and the incalculable benefits that will result therefrom, require that the State of Texas should provide by judicious legislation for the encouragement and construction of railroads, intersecting the great central road, and diverging and extending equally through every portion of the State, so as to afford ready means for transportation to the agriculturist, develop our many resources, and build up our commercial ports and cities; therefore,

Be it resolved, That the committee on Internal Improvements be requested and instructed to take into consideration the propriety of passing a law, setting apart as an Internal Improvement fund the alternate sections of land that may be reserved to the State, from the donations made to the Atlantic and Pacific Railroad, and that said fund shall be appropriated to such railroad as shall intersect the said Atlantic and Pacific Railroad within our State, and such appropriation shall be made as follows:

So soon as any railroad company having a charter, intersecting said central road, shall have constructed twenty miles of such road, they shall be entitled to and receive sections of the alternate sections so set apart in like manner for every twenty miles, until their road is finished, and report at their earliest convenience, by bill or otherwise, with such restrictions, provisions and modifications as, in the opinion of said committee, will embody the true intent and meaning of this resolution.

Mr. Schleicher moved to postpone the resolution until Monday, 11 o'clock, A. M.; lost.

Mr. Crawford of B. moved to postpone it until Tuesday, 10 o'clock A. M.; lost.

Mr. Hunt moved to refer the resolution to the committee on Internal Improvements.

The hour having arrived for special orders of the day, the resolution was laid on the table, and the following special orders of the day taken up.

A resolution referring the subject of State policy to the committee on State Affairs, was taken up, and on motion of Mr. Franklin, laid on the table.

A bill relating to the Indians of Texas, was taken up, and on motion of Mr. Franklin, laid on the table.

The resolution that was laid on the table in order that the special orders might be reached, was again taken up.

Mr. Hunt withdrew his motion to refer to the committee on Internal Improvements.

Mr. Taylor proposed to amend as follows:

"That the committee also take into consideration the propriety of the State's purchasing the bonds of railroad companies chartered by this State; provided, the purchase in no case shall exceed three millions of dollars."

Mr. Palmer moved to adjourn until to-morrow, half-past nine o'clock, A. M.

The yeas and nays called for and stood thus:

YEAS.—Messrs. Banks, Baylor, Billingsly, Birdwell, Boon, Bourland, Burk, Burney, Collier, Crawford of B., Crosby, Dooly, Edwards, Franklin, Fowler, Holman, Hord, Hunt, Kingsbury, Lewis, Lyday, Maverick, McCulloch, Palmer, Rains, Randolph, Reily, Rogers, Schleicher, Shaw, Stroud, Tait, Taylor, Thorp, Throckmorton and Wooten.—36.

NAYS.—Messrs. Speaker, Adrian, Berry, Brown, Calvert, Cannon, Charlton, Cone, Daniel, Darden, Dulany, Ferris, Fields, Gaston, Hall, Hart, Hicks, Holland, Laird, Loving, Mallard,

Mucklery, Menifee, Melton of H., Melton of N., Moore of P., Moore of W., Parsons, Roberts, Rushing, Sims, Speights, Stapp, Stout, Swearingen, Turner of L., Turner of R., Vontress, Walker, Waller, White, Whitmore, Wilson, Wiley, Witt, Wood of C., and Wood of L.—47.

So the House refused to adjourn.

On motion of Mr. Hunt, to adjourn until to-morrow, 10 o'clock A. M., the yeas and nays were again called for and stood thus :

YEAS.—Messrs. Speaker, Banks, Baylor, Berry, Billingsly, Birdwell, Boon, Bourland, Burk, Burney, Charlton, Collier, Crawford of B., Crosby, Dooly, Edwards, Franklin, Fowler, Holman, Hord, Hunt, Kingsbury, Lewis, Lyday, McCulloch, Palmer, Rains, Randolph, Reily, Schleicher, Shaw, Tait, Taylor, Thorp, Throckmorton and Wooten.—37

NAYS.—Messrs. Adrian, Brown, Calvert, Cannon, Cone, Daniel, Darden, Dulany, Ferris, Fields, Gaston, Hall, Hart, Holland, Laird, Loving, Mallard, Maverick, Muckleroy, Menifee, Melton of H., Melton of N., Moore of P., Moore of Wood, Parsons, Roberts, Rogers, Rushing, Sims, Speights, Stapp, Stout, Stroud, Swearingen, Turner of L., Turner of R., Vontress, Walker, Waller, White, Whitmore, Wilson, Wiley, Witt, Wood of C., Wood of L.—47.

So the House refused to adjourn.

Mr. Palmer moved to adjourn until to-morrow, 9 o'clock.

The yeas and nays were called for, and stood thus :

YEAS.—Messrs. Speaker, Banks, Baylor, Berry, Billingsly, Birdwell, Boon, Bourland, Burk, Burney, Collier, Crawford of B., Daniel, Dooly, Dulany, Edwards, Hicks, Holman, Hunt, Kingsbury, Laird, Lewis, Lyday, Marshall, Maverick, McCulloch, Palmer, Parsons, Rains, Randolph, Reily, Schleicher, Shaw, Speights, Stroud, Tait, Taylor, Thorp, Throckmorton, Waller, Wilson and Wooten.—42.

NAYS.—Messrs. Adrian, Brown, Calvert, Cannon, Charlton, Cone, Crosby, Darden, Ferris, Fields, Franklin, Fowler, Gaston, Hall, Hart, Holland, Hord, Loving, Mallard, Muckleroy, Menifee, Melton of H., Melton of N., Moore of Polk, Moore of Wood, Roberts, Rogers, Rushing, Sims, Stapp, Stout, Swearingen, Turner of L., Turner of R., Vontress, Walker, White, Whitmore, Wiley, Witt, Wood of Cass and Wood of Leon.—42.

So the motion was lost.

On motion, the House adjourned until to-morrow, 9½ o'clock A. M.

Pending: Mr. Lewis' resolution.

AUSTIN, December 1, 1853.

House met pursuant to adjournment—roll called—quorum present.

The journal of yesterday read and adopted.

PETITIONS.

Mr. Moore of Polk presented the petition of Daniel Wofford ; referred to the committee on State Affairs.

Mr. Muckleroy presented the petition of the Central Baptist Association ; referred to the committee on State Affairs.

Mr. Hicks presented the petition of James R. Wetherspoon ; referred to the committee on Private Land Claims No. 2.

Mr. Moore of Wood presented the following request :

The ladies of the Methodist Congregation in this city would respectfully ask for the use of the Representative Hall of the old capitol, as a place for furnishing a supper on the 14th instant.

On motion of Mr. Turner of Rusk, the request was granted.

Mr. Cannon presented the petition of the citizens of the county of Cherokee ; referred to the committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Mr. White, chairman of the committee on Public Lands, made the following report :

The committee on Public Lands, to whom was referred an act requiring the Commissioner of the General Land Office to issue patents to certain lands surveyed prior to the 1st day of January, 1851, in virtue of an act passed the 22d January, 1846, granting to settlers on the public domain pre-emption privileges : provided, the field-notes are returned to the General Land Office by the 1st day of January, 1854, have had the same under consideration, and they instruct me to report : That in consequence of the passage of an act entitled an act concerning surveys of land, approved 10th of February, 1852, requiring the field-notes of all surveys made previous to the passage of that act, to be returned in the manner now required by law, to the General Land Office, on or before the 31st August, 1853, the parties having such surveys have been unnecessarily harrassed by locations on their settlements from a misconstruction of the law. The act above alluded to was passed on the 10th day of February, 1852. On the same day an act was passed for the relief of pre-emption claimants who had settled on the public domain, and had their lands surveyed prior to the first day of January, 1851 ; by which last act they were authorized and empowered to have, hold and enjoy the same until the first day of January, 1854.

These two acts, passed on the same day, your committee believe should be so construed as to permit both to stand. They do not believe that the field-notes of surveys for preemption claimants, made prior to the 1st January, 1851, was intended to be included in the operation of the "act concerning surveys of land," more especially as by an act of the same day, their rights were extended to the first January, 1854.

The committee, therefore, instruct me to report the accompanying substitute for the act referred to them, and recommend its passage.

Mr. Turner of Lavaca, chairman of the committee on County Boundaries, made the following reports :

The committee on County Boundaries, to whom was referred a bill to incorporate the town of Corsicana, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House, without amendment, and recommend its passage.

The committee on County Boundaries, to whom was referred a bill to incorporate the town of Centreville, Leon county, have considered the same, and have instructed me to report the same back to the House, without amendment, and recommend its passage..

The committee on County Boundaries, to whom was referred the petition of sundry citizens of Guadalupe county, praying to be attached to Comal County, together with a remonstrance from the citizens of the same county, have had the same under consideration, and the committee have instructed me to report the same back to the House, and ask to be discharged from its further consideration.

The committee on County Boundaries, to whom was referred a bill to apportion the public debt of Henderson county, have instructed me to report against the provisions of the bill, and recommend its indefinite postponement.

Mr. Whitmore, chairman of the committee on Private Land Claims No. 2, made the following reports :

Your committee No. 2, on Private Land Claims, to whom was referred the petition of E. R. Myers, praying relief for three hundred and twenty acres of land, have duly considered the same.

The committee are satisfied from the evidence before them, that said petitioner has never received the quantity of land he

was entitled to ; the committee therefore instruct me to report the accompanying bill to the House for his relief, and respectfully recommend its passage ; report received and bill read first time.

The committee No. 2, on Private Land Claims, to whom was referred the petition of Everett E. Lynch, praying relief for three hundred and twenty acres of land, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioner has never received the quantity of land he was entitled to. A majority of the committee, therefore, instruct me to report the accompanying bill to the House, and recommend its passage.

A minority of the committee on Private Land Claims No. 2, to whom was referred an act for the relief of Everet E. Lynch and Rhoda A. Lynch, beg leave to dissent from the majority report, for the reason that there is no evidence accompanying the petition, showing that the petitioners are justly entitled to the land asked for in said petition, and respectfully recommend the indefinite postponement of the bill.

A. J. LAIRD,
G. W. WHITMORE,
J. H. FOWLER.

The committee on Private Land Claims No. 2, to whom was referred the petition of William Boatright, praying relief for one-third of a league of land, have duly considered the same. The committee are satisfied that said petitioner is not entitled to the relief prayed for in said petition, from the evidence before them ; the committee therefore instruct me to report the bill and memorial, with the evidence, back to the House and recommend its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of R. W. Holloway, praying relief for twelve hundred and eighty acres of land, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioner is not entitled to the land prayed for in said petition. The committee therefore instruct me to report the memorial with the accompanying documents back to the House and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of Patrick C. Shannon and L. Haly, praying relief for one league of land, have duly considered the same. The committee are satisfied from the evidence before them that said petitioners are not entitled to the land prayed for in said

petition. The committee therefore instruct me to report the memorial, with all the accompanying documents, back to the House and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of the heirs and legal representatives of Stephen Prather, deceased, praying relief for one league of land, have been credibly informed that said certificate has been previously issued, and has been before one of the committees of this House, a few days since, praying for a division of said certificate. The committee therefore instruct me to report the same back to the House, and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of Robert Taylor, praying relief for three hundred and twenty acres of land, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioner is not entitled to the land prayed for in said petition. The committee therefore instruct me to report the bill, with the memorial, back to the House, and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of Harriette Collins, praying relief for land, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioner is not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the memorial, with the accompanying document, back to the House, and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of S. H. Morris, praying relief for a league and labor of land, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioner is not entitled to the relief asked for in said petition. The committee therefore instruct me to report the memorial with the accompanying documents back to the House and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of Cyrus Wickson, praying relief for two-thirds of a league and labor of land, have duly considered the same and from the evidence before them, believe that said petitioner never received the augmentation of land to which he was entitled. The committee therefore instruct me to report the ac-

companying bill to the House for his relief, and respectfully recommend its passage.

Report received and bill read first time.

The committee on Private Land Claims No. 2, to whom was referred the petition of William C. Howard, praying relief for one-third of a league of land, have had the same under consideration, and from the evidence before them, believe the petitioner is not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the memorial with the accompanying documents back to the House and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of B. G. Ridon, praying relief for eleven hundred and fifty-six acres of land, as an augmentation, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioner is not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the memorial, with the accompanying documents, back to the House, and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of John H. Callum, praying relief for six hundred and forty acres of land, have duly considered the same, and from the evidence before them, are satisfied that the petitioner is not entitled to the relief prayed for in said petition. The committee, therefore, instruct me to report the memorial, with the accompanying documents, back to the House, and ask its rejection.

Mr. Gaston made the following minority report:

The undersigned would respectfully ask leave to dissent from the report of the majority of the committee on County Boundaries, to whom was referred the bill to apportion the public debt of Henderson county.

R. K. GASTON.

BILLS AND RESOLUTIONS.

Mr. Schleicher introduced a bill to authorize and regulate the surveying and patenting of Colony certificates in Fisher and Miller's Colony; read first time.

Mr. Speights introduced a bill for the relief of Wm. C. Weathered; read first time.

Mr. Turner of Rusk introduced a bill to provide for the several counties of this State to subscribe for stock in any railroad company within the limits of the same; read first time.

Mr. Ferris introduced a bill concerning offences committed within the border counties; read first time.

Mr. Stout introduced a bill for the relief of Wm. W. Norvall; read first time.

ORDERS OF THE DAY.

The resolution pending when the House adjourned on yesterday, was taken up, and on motion of Mr. Cone, laid on the table.

On motion of Mr. Edwards, a bill relative to the Indians of Texas was taken up.

Mr. White proposed to amend as follows:

In first section, first line, strike out twelve and insert thirty-six; rejected.

Mr. Throckmorton offered the following as a substitute to the amendment:

"Strike out 12 leagues in the bill wherever it occurs and insert eighteen;" lost.

Mr. Billingsly moved to refer the bill, amendments and substitute to a Select committee; lost.

Mr. Hord offered the following amendment:

"Strike out twelve leagues and insert nine hundred square miles;" lost.

Mr. White proposed to amend as follows:

"5th section, 13th line, strike out all after the word proper, to the word provided in 14th line;" adopted.

Mr. Holland proposed the following amendment:

"Strike out twelve leagues, and insert that the Indian Agent have surveyed one league of land for every one thousand Indians collected and settled in accordance with the provisions of this bill;" rejected.

Mr. Cannon offered to amend by striking out in second section, second and third lines, "or to purchase of private individuals;" and also, strike out the words "or purchased;" wherever such words occur in the bill; rejected.

Mr. Hord proposed to amend by inserting in first section, first line, before twelve leagues, "jurisdiction over."

Mr. Palmer offered the following as a substitute for the bill and amendments:

Mr. Charlton in the chair.

Mr. Palmer moved to refer the bill, amendments and substitutes to a Select committee.

Mr. Mallard moved to adjourn until to-morrow 10 o'clock.

A.M.

The yeas and nays were called for and stood thus:

YEAS.—Messrs. Banks, Baylor, Bell, Berry, Billingsly, Boon, Bourland, Burk, Burney, Charlton, Cone, Ferris, Hall, Holland, Hart, Hord, Kingsbury, Lewis, Mallard, Marshall, Melton of H., Palmer, Rains, Reily, Shaw, Stout, Tait, Taylor, Thorp, Travis, Turner of L., Turner of R., Walker, Waller and Wooten. **35.**

NAYS.—Messrs. Adrian, Birdwell, Brown, Calvert, Cannon, Crawford of B., Crosby, Darden, Dulany, Edwards, Franklin, Fowler, Gaston, Hicks, Holman, Laird, Loving, Lyday, Maverick, Muckleroy, Menifee, Melton of N., Moore of Polk, Moore of Wood, Parsons, Randolph, Roberts, Rushing, Schleicher, Sims, Stroud, Swearingen, Throckmorton, Vontress, White, Whitmore, Wilson Wiley, Witt, Wood of Cass and Wood of Leon. **41.**

So the House refused to adjourn.

On motion, the House adjourned until to-morrow half-past 9 o'clock, A. M.

Pending: A bill relative to the Indians of Texas.

AUSTIN, December 2, 1853.

House met pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Menifee presented the petition of G. W. Davis; referred to the committee on Claims and Accounts.

Mr. Reily presented the petition of John N. Rose, for the heirs of J. M. Rose; referred to the committee on Private Land Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Franklin, chairman of the committee on the Judiciary, made the following reports:

The committee on the Judiciary, to whom was referred the resolution requesting them to inquire whether or not the Judges of the District Courts have authority by law to hold special terms for the trial of criminals, &c., have had the same under consideration, and instruct me to report that they do not find any law enacted under the Constitution of the State of Texas, either in the act organizing the District Court, and defining its

jurisdiction, or the acts regulating the proceedings therein, which authorizes the holding of special terms for the trial of criminal cases. There was a provision on the subject giving the Judges such powers under the Republic of Texas. These provisions, your committee believe, were superseded when the District Courts were organized under the Constitution of the State of Texas. Your committee believe, that to authorize special terms to be held, would be productive of more evil and expense than could be counterbalanced by any good to result from authorizing such special terms to be held; they ask to be discharged from the further consideration of the subject.

The committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the propriety of repealing our statute law requiring defendants in suits in the District Courts to be served with a full copy of the petition, &c., have had the same under consideration, and instruct me to report, after mature consideration of the subject, they do not think it advisable to change existing laws on the subject. They return the resolution and recommend its indefinite postponement.

The committee on the Judiciary, to whom was referred the petition of sundry persons, requesting the legislature to repeal the law imposing a license tax on grocery keepers, and to substitute therefor an *ad valorem* tax, have had the same under consideration, and instruct me to report that they do not approve the change proposed in the law; they instruct me to return the petition to the House and recommend the indefinite postponement of the subject.

The committee on the Judiciary, to whom was referred a bill entitled an act to authorize agents and attorneys to make necessary affidavits in certain cases, have had the same under consideration, and instruct me to report the bill back to the House and recommend its passage with the following amendment: In the caption, strike out the words, "a bill to be entitled."

The committee on the Judiciary, to whom was referred a bill for the relief of Gideon G. Williams, have had the same under consideration, and instruct me to report that the bill was referred to them, as they are advised, with the view of ascertaining the views of the committee on the question as to whether the certificate for one-third of league can issue to Gideon G. Williams, he claiming under a transfer dated the 6th day of October, 1836. Your committee on that subject entertain no doubt, a deed executed by James D. Jennings in favor of Gideon G. Williams,

would be, and is effectual to transfer all the right to which James D. Jennings had to a headright under the Constitution and laws; as to the facts upon which the claim of James D. Jennings rests, for the one third of a league, your committee have not investigated the matter, because it was a subject more properly belonging to the committee on Private Land Claims; they return the bill and recommend that the subject be referred to the committee on Private Land Claims.

Mr. Menifee, chairman of the committee on State Affairs, made the following report:

The committee on State Affairs, to whom was referred the Senate's bill to change the time of the biennial meeting of the Legislature of the State of Texas, have considered the same. A majority of the committee have instructed me to report the same back to the House, and recommend the rejection of the bill.

Mr. White, chairman of the committee on Public Lands, made the following reports:

The committee on Public Lands, to whom was referred the petition of H. M. Crabb, have duly considered the same, and have come to the conclusion that the petitioner does not present such a case as to entitle him to the relief asked for; they therefore instruct me to return the same back to the House and recommend its rejection.

The committee on Public Lands, to whom was referred the petition of Jams Curry and others have had the same under consideration, and do not believe the prayer of the petitioners should be granted. They therefore ask to be discharged from a further consideration of the subject.

Mr. Rains, chairman of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts, to whom was referred the petition of R. W. Loughery, editor and proprietor of the Texas Republican, praying compensation to the amount of two hundred and forty-three dollars and fifty cents, for printing and publishing certain proclamations of the Governor, beg leave to report that they have had the same under consideration, and that from the evidence before them they are satisfied that the account of said Loughery is just and meritorious, and therefore recommend that an appropriation sufficient to satisfy the petitioner's claim, should be made for that purpose; they report the accompanying bill; report received, bill read first time.

Mr. Burney, chairman of the committee on Private Land Claims No. 1, made the following reports: The committee on Private Land Claims No. 1, to whom was referred the petitions of Lewis and Morris Moore, have duly considered both of said petitions, and the committee is well satisfied that said petitioners are meritorious and good citizens, and were always ready, and did respond at all times to their country's call; yet, a majority of the committee are of the opinion that said petitioners have received all the land to which they were entitled under the laws, and therefore have instructed me to return the petitions back, and ask to be excused from the further consideration of the same.

The committee on Private Land Claims No. 1, to whom was referred the petition of E. J. W. Lowery, asking for one-third league of land, find, on examination, that he has received the amount of land asked for, and that the certificate is now controlled by one H. C. Cook, as will appear from the following letter:

AUSTIN, November 16, 1853:

Chairman of the committee on Private Land Claims:

SIR: You have before you an application for the relief of E. J. W. Lowery, asking a certificate for one-third of a league of land. This is to inform you that I am in possession of and control a certificate for one-third of a league of land, granted to the E. J. W. Lowery, by the Board of Land Commissioners of Harrisburg County. Respectfully yours, &c.

H. C. COOK.

The committee therefore have instructed me to return the petition, and ask its rejection.

Mr. Whitmore, chairman of the committee on Private Land Claims No. 2, made the following reports:

Your committee on Private Land Claims No. 2, to whom was referred the petition of Josiah Nichols, relief for three hundred and twenty acres of land, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioner is not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the memorial and accompanying documents back to the House and ask its rejection.

Your committee on Private Land Claims No. 2, to whom was referred the petition of the heirs of Gurdon Hovey, for relief to one-third of a league of land, have duly considered the same.

The committee are satisfied from the evidence before them, that petitioners have not received their land, but they are not the proper authorities to apply to for relief from the evidence of the memorial and other documents. The committee instruct me to report the bill with accompanying documents back to the House, and ask to be discharged from further investigation of the subject.

Your committee on Private Land Claims No. 2, to whom was referred the petition of Dorothy Benton, praying for relief for one-third of a league of land, have duly considered the same. The committee are satisfied from the evidence before them, that petitioner is not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the memorial back to the House, with the evidence, and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of Andrew B. Burleson, praying relief for six hundred and forty acres of land, as a head-right, have duly considered the same, and from the evidence before them, believe that said petitioner is not entitled to the relief prayed for. The committee therefore instruct me to report the memorial with the evidence, back to the House, and ask its rejection.

The committee on Private Land Claims, No. 2, to whom was referred the petition of the heirs of Thomas Robinett, praying relief for one-third of a league of land, have duly considered the same, and from the evidence the committee had before them, they believe said petitioners are not entitled to the relief prayed for in said petition. The committee, therefore, instruct me to report the bill and memorial back to the House, and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of Concepcion Magenas, praying relief for one league and labor of land, the head-right of her husband, deceased. Your committee have duly considered the same, and your committee are satisfied from the evidence that your petitioner is not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the memorial back to the House and ask its rejection.

Your committee on Private Land Claims No. 2, to whom was referred the petition of James R. Wetherspoon, praying for relief for one league and labor of land, have had the same under consideration, and from the evidence the committee are satisfied that petitioner is not entitled to the relief prayed for in said pet-

ition. The committee therefore instruct me to report the memorial and evidence back to the House and ask its rejection.

Your committee on Private Land Claims No. 2, to whom was referred the petition of Jesse Watson, administrator of John Watson, praying relief for one league and labor of land, have duly considered the same, and from the evidence before them, are of the opinion that said petitioner is not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the memorial with the accompanying documents back to the House and ask its rejection.

Your committee on Private Land Claims No. 2, to whom was referred the petition of Thomas V. Mortimer, praying relief for land. Your committee have duly considered the same. Your committee are satisfied from the evidence that the petitioner is not entitled to the relief prayed for in his petition. The committee therefore instruct me to report the memorial back to the House, with instructions that the Clerk read said petition to the House, for their more deliberate consideration. The committee recommend its rejection.

Mr. Sims, chairman of the committee on Roads, Bridges and Ferries, made the following report:

The committee on Roads, Bridges and Ferries, to whom was referred the petition of R. B. Thomas, for a charter for a turnpike across Trinity river bottom, opposite the town of Taos, have considered said petition, and a majority of the committee instruct me to report the accompanying bill and recommend its passage; report received; bill read first time.

BILLS AND RESOLUTIONS.

Mr. Menifee introduced a bill to incorporate Johnson Encampment No. 4, I. O. O. F.; read first time.

Mr. Hall introduced a bill to incorporate the Orphan's Friend Lodge, No. 26, I. O. O. F.; read first time.

Mr. Edwards introduced a bill for the relief of José Antonio Gutierrez; read first time.

Mr. Charlton introduced a bill making appropriations for the improvement of the rivers of the State; read first time.

Mr. Wiley introduced a bill relative to the payment of interest on the Public Debt of Texas, and for other purposes therein contained; read first time.

Mr. Mallard introduced a bill to enforce liens on boats and other water crafts; read first time.

Mr. Stapp introduced a bill for the relief Robert Carlisle ; read first time.

Mr. Reily introduced a bill to authorize the County Court of Harris county to re-locate the school land of said county ; read first time.

Mr. Crawford of Bexar introduced a bill to regulate mustang chases ; read first time.

Mr. Turner of Rusk introduced a bill to incorporate the Millville Male and Female Academy ; read first time.

Mr. Reily introduced a bill for the relief of Robert Wilson ; read first time.

Mr. Wood of Cass introduced a bill for the relief of James Jackson ; read first time.

Mr. Wood of Leon introduced a bill to reduce into one act and to amend the several acts granting to actual settlers on vacant public domain, pre-emption privileges ; read first time.

Mr. Holland introduced a joint resolution requiring the Commissioner of the General Land Office to issue to John T. Wilson his headright certificate ; read first time.

Mr. Thorp offered the following resolution :

Resolved, That the Judiciary committee inquire into the propriety of so amending and changing our probate system as to create a circuit system, the Judge thereof to be elected and paid as District Court Judges, and that they report by bill or otherwise ; adopted.

Mr. Franklin offered the following resolution :

Resolved, That the 13th standing rule of the House be so amended as to read as follows :

Rule 13th. When a bill is taken up for a second reading, before reading, on motion, it may be referred to a committee by its caption, without reading. Upon the second reading of a bill, the Speaker shall state it is ready for commitment, amendment or engrossment ; laid on the table one day for consideration.

ORDERS OF THE DAY.

The bill relative to the Indians of Texas, pending when the House adjourned yesterday, was taken up.

Mr. Edwards moved to lay Mr. Palmer's substitute for the bill and amendments on the table.

The yeas and nays were called for, and stood as follows :

YEAS.—Messrs. Speaker, Baylor, Birdwell, Boon, Brown, Burk, Charlton, Collier, Cone, Crosby, Daniel, Edwards, Frank-

lin, Fowler, Gaston, Hart, Hicks, Holman, Holland, Kingsbury, Laird, Lewis, Lyday, Maverick, Muckleroy, Moore of P., Moore of Wood, Parsons, Reily, Roberts, Rogers, Rushing, Schleicher, Shaw, Sims, Stapp, Stroud, Swearingen, Tait, Throckmorton, Travis, Turner of R., Vontress, Walker, Waller, White, Witt and Wooten.—48.

NAYS.—Messrs. Adrian, Banks, Bell, Berry, Billingsly, Calvert, Cannon, Crawford of B., Darden, Dulany, Ferris, Fields, Hall, Hord, Loving, Mallard, Marshall, McCulloch, Meniffee, Melton of H., Melton of N., Palmer, Rains, Randolph, Speights, Stout, Taylor, Thorp, Turner of L., Whitmore, Wiley, Wood of C. and Wood of L.—33.

Mr. Palmer moved to lay bill and amendment on the table.

Yeas and nays being called for stood thus :

YEAS.—Messrs. Adrian, Banks, Berry, Billingsly, Birdwell, Boon, Brown, Burk, Burney, Calvert, Cannon, Charlton, Collier, Daniel, Darden, Dulany, Gaston, Hall, Hart, Hicks, Holland, Laird, Loving, Lyday, Mallard, Marshall, Muckleroy, Meniffee, Melton of H., Melton of N., Moore of W., Palmer, Rains, Roberts, Rogers, Rushing, Sims, Speights, Stout, Stroud, Swearingen, Turner of R., Walker, Whitmore, Wilson, Wiley, Witt, Wood of C. and Wooten.—49.

NAYS.—Messrs. Speaker, Baylor, Bell, Cone, Crawford of B., Crosby, Edwards, Ferris, Fields, Franklin, Fowler, Holman, Hord, Kingsbury, Lewis, Maverick, McCulloch, Moore of Polk, Randolph, Reily, Schleicher, Shaw, Stapp, Tait, Taylor, Thorp, Throckmorton, Travis, Turner of L., Vontress, Waller, White, and Wood of L.—33.

So the bill and amendment were laid on the table.

A resolution requiring chairmen of committees, when called, to announce the time of the next meeting of their committee, was taken up, and on motion of Mr. Fields, laid on the table.

A resolution proposing to set apart Wednesdays and Saturdays to transact business on the Speaker's table, was taken up and on motion of Mr. Charlton, laid on the table.

Senate bills on first reading :

A bill relinquishing to the counties the State tax for the years 1854 and 1855 ; read first time.

A bill to repeal a joint resolution for the punishment of vagrants, approved January 10th, 1839 ; read first time.

A bill to amend a joint resolution for the relief of the heirs and assigns of Benjamin D. Nobles, deceased, approved December 30th, 1849 ; read first time.

A bill appropriating five thousand dollars to pay the contingent expenses of both Houses of the Legislature; read first time.

A bill for the relief of James McGloin; read second time, and on motion of Mr. Fields, referred to the committee on Public Lands.

A bill to amend the second section of an act amending an act authorizing the County Courts to regulate roads, appoint overseers, &c.; read first time.

A bill to incorporate the Grand Temple of Honor of the State of Texas, and subordinate Temples under its jurisdiction; read second time, and on motion of Mr. Charlton, referred to the committee on State Affairs.

A bill authorizing two copies of the seal of the Supreme Court to be made for the use of said Court; read third time and passed.

A bill to incorporate Indian Creek Academy; read third time and passed by a constitutional majority.

A bill to incorporate Jackson Division No. 9 Sons of Temperance; read third time and passed by a constitutional majority.

A bill to regulate election precincts; read second time, and on motion of Mr. Taylor, referred to the committee on State Affairs.

A bill to have the Laws, Civil and Criminal, amended, supplied, revised, digested and arranged; read second time, and on motion of Mr. Palmer, referred to the Judiciary committee.

A bill authorizing and requiring the Commissioner of the General Land Office to issue a patent to the heirs of James O. Rice; read third time and passed.

A bill to amend an act supplementary to an act authorizing and requiring the County Courts to regulate roads, appoint overseers, and establish ferries, &c., approved December 20th, 1836; read third time, and on motion of Mr. Swearingen, laid on the table.

A bill to incorporate the Linden Male and Female Academy and Masonic Hall; read third time and passed by a constitutional majority.

A bill to incorporate the Mound Prairie Institute; read third time and passed by a constitutional majority.

A bill to amend the 5th section of an act, entitled an act to regulate ferries, approved January 23d, 1853; read third time and passed.

A bill to incorporate New Danville Masonic Female Institute; read third time and passed by a constitutional majority.

A bill to change the name of Frederick Lowery to that of William Shelton, was taken up, bill read second time, and on motion of Mr. Franklin, ordered to be engrossed.

The report of the Judiciary committee, recommending the passage of a bill to repeal the 1st section of an act concerning juries, approved February 16th, 1852; report adopted, bill read second time, and on motion of Mr. Franklin, ordered to be engrossed.

Mr. Wooten moved to adjourn until Monday morning nine o'clock; lost.

Mr. Turner of Rusk moved to adjourn until three o'clock, P. M.; lost.

Mr. Travis moved to adjourn until to-morrow, 9 o'clock A. M.; lost.

The report of the committee on the Judiciary, upon a bill to suppress the practice of carrying concealed weapons, with a substitute, was taken up; bill as substituted read second time, and on motion of Mr. Wiley, made the special order of the day for Wednesday, 6th instant, at 11 o'clock.

A bill to change the name of Louisa Johnson, an infant daughter of William Johnson, of the county of Kaufman, to that of Louisa Boyd; read second time, and on motion of Mr. Parsons, ordered to be engrossed.

A bill for the relief of Sylvester Williams; read second time, and on motion of Mr. Laird, ordered to be engrossed.

Mr. Stapp moved to suspend the rule defining the order of business, and that a bill to create the county of Karnes, be taken up; lost.

Mr. Cone moved to adjourn until Monday, 10 o'clock, A. M. Yeas and nays were called for and stood thus:

YEAS.—Messrs. Banks, Baylor, Bell, Boon, Collier, Cone, Darden, Dulany, Fields, Franklin, Holman, Hunt, Kingsbury, Loving, Lyday, Marshall, McCulloch, Palmer, Reily, Rogers, Schleicher, Shaw, Stout, Taylor, Thorp, Throckmorton, Travis, Turner of L., Waller, Wilson Wiley and Wooten.—32.

NAYS.—Messrs. Speaker, Adrian, Berry, Billingsly, Birdwell, Brown, Burk, Burney, Calvert, Cannon, Charlton, Daniel, Edwards, Ferris, Fowler, Gaston, Hall, Hicks, Laird, Lewis, Mallard, Maverick, Muckleroy, Menifee, Melton of H., Melton of N., Moore of Polk, Moore of Wood, Parsons, Rains, Randolph, Roberts, Rushing, Sims, Speights, Stroud, Tait, Vontress, Wal-

ker, White, Whitmore, Witt, Wood of Cass and Wood of Le-on.
—44.

So the motion was lost.

A bill making an appropriation for the mileage and per diem of the members and officers of the Fifth Legislature; read second time, and on motion of Mr. Fields, ordered to be engrossed.

The report of the committee on the Judiciary, asking the indefinite postponement of a bill for the relief of the heirs of James McMicken, was taken up, bill read second time, and on motion of Mr. Stapp, report and bill laid on the table.

On motion, the House adjourned until Monday morning half-past 9 o'clock.

AUSTIN, December 5, 1853.

House met pursuant to adjournment—roll called—quorum present.

The journal of Friday read and adopted.

A message was then received from the Senate, through their Secretary, informing the House that that body had passed the following bills:

A bill granting land in payment of an allowance or pension granted on the 18th December, 1837, to the family of Erastus Smith, &c.

A bill to be entitled an act supplementary to an act making appropriations to defray the expenses of volunteers called into service of the State for the protection of the frontier,

A bill more permanently to locate the county site of Cooke county.

A bill regulating mills and millers.

A bill to amend the first and seventh sections of an act concerning writs of certioria to Justices' Courts.

A bill to amend an act entitled an act to incorporate the city of Brownsville, approved February 7th, 1853.

A bill to authorize the Sheriff of Calhoun county to execute deeds in certain cases.

A bill for the relief of J. W. Magoffin and Hugh Stephenson.

PETITIONS.

Mr. Laird presented the petition of 192 citizens of one neighborhood of Rusk county, praying for relief from the baneful in-

fluence of the sale of liquors in said county ; referred to the committee on State Affairs.

Mr. Cone presented the petition of sundry citizens of the northern part of Brazoria and the southern part of Fort Bend counties ; referred to the committee on County Boundaries.

Mr. Mallard presented the petition of Thomas and B. Graham ; referred to the committee on Private Land Claims No. 1.

Mr. McCulloch presented the petition of sundry citizens of Bexar, Goliad and Guadalupe counties, praying for a new county ; referred to the committee on County Boundaries.

Mr. Baylor presented the petition of Charles Mullens ; referred to the committee on Private Land Claims No. 1.

REPORTS OF STANDING COMMITTEES.

Mr. Randolph, chairman of the committee on Education, made the following report :

The committee on Education, to whom was referred a bill entitled an act to provide for the investment of the special school fund in the bonds of railroad companies incorporated by the State, have duly considered the same, and a majority of said committee have instructed me to report the bill back to the House, and recommend its indefinite postponement.

Mr. Dulany, one of the committee on County Boundaries, made the following reports :

The committee on County Boundaries, to whom was referred the petition of sundry citizens of Burnet county, praying the alteration of the northern boundary line of said county, instruct me to report that they are unanimously of opinion that the prayer of the petitioners should be granted. They therefore instruct me to report the accompanying bill and recommend its passage ; report received and bill read first time.

Your committee on County Boundaries, to whom was referred the petition of sundry citizens of Collin and Kaufman counties, praying for the organization of a new county, have had the same under consideration, and instruct me to report that the territory which the petitioners desire to be incorporated into a new county, comprises only about three hundred and fifty square miles ; that the peculiar situation of petitioners render the organization of a new county almost indispensably necessary for their convenience. But your committee not only doubt the policy of creating counties with a less area than nine hundred square miles, but also the power of the Legislature to do so, under

the thirty-fourth section of the seventh article of the Constitution.

The committee have instructed me to report the same back to the House, and as the principal objection is a constitutional one, recommend its reference to the committee on the Judiciary.

Mr. Rains, chairman of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts, to whom was referred the petition of George W. Davis, asking compensation for one hundred and seventy bushels of corn furnished the ranging company of M. Andrews, in the year 1839, beg leave to report that they have had the same under consideration, and that the testimony before them touching the petitioner's claim, was not entirely sufficient to establish its correctness. They therefore report it back to the House, and beg leave to be discharged from its further consideration.

Mr. Burney, chairman of the committee on Private Land Claims No. 1, made the following reports:

The committee on Private Land Claims No. 1, to whom was referred the petition of Elizabeth Thompson and others, have had the same under consideration, and instructed me to report the accompanying bill and recommend its passage.

Report received, and bill read first time.

The committee on Private Land Claims No. 1, to whom was referred an act entitled an act to correct the name of a grant confirmed by the State of Texas to Yrenio Gomez by a wrong name, have had the same under consideration, and a majority have instructed me to report the same back to the House, without amendment, and recommend its passage.

The committee on Private Land Claims No. 1, to whom was referred the petition of James Nelson, have duly considered the same, and instructed me to report the accompanying bill for his relief, and recommend its passage; report received and bill read first time.

The committee on Private Land Claims No. 1, to whom was referred a bill for the relief of Alexander McKenzie, have duly considered the same, and instruct me to report the bill without amendment, and recommend its passage.

The committee on Private Land Claims No. 1, to whom was referred the petition of Andrew Dashimer, have had the same

under consideration, and instruct me to report the accompanying bill for his relief, and recommend its passage; report received and bill read first time.

The committee on Private Land Claims No. 1, to whom was referred the petition of E. Linn and Wm. Buman, have duly considered the same, and instruct me to report the accompanying bill for their relief, and recommend its passage; report received and bill read first time.

Mr. Whitmore, chairman of the committee on Private Land Claims No. 2, made the following report:

The committee on Private Land Claims No. 2, to whom was referred an act to require the Commissioner of the General Land Office to issue certificates in certain cases, have had the same under consideration. The committee are of opinion that there is a legal question of some magnitude involved in the act. The committee therefore recommend that the same be referred to the Judiciary committee, and that your committee be discharged from further consideration of the same.

Mr. Speights, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined the following bills, and find the same correctly engrossed:

A bill making an appropriation for the per diem pay and mileage of the members and officers of the Fifth Legislature of the State of Texas, convened November 7th, 1853.

A bill to repeal the first section of an act concerning juries, approved February 16, 1852.

A bill to change the name of Frederick Levy to that of Wm. B. Shelton.

A bill for the relief of Sylvester Williams.

Also, a bill to change the name of Louisa Johnson, an infant daughter of William Johnson, of the county of Kaufman, to that of Louisa Boyd; report accepted.

BILLS AND RESOLUTIONS.

Mr. Fields introduced a bill to provide for enclosing, grading and otherwise beautifying the capitol grounds; read first time.

Mr. Randolph introduced a bill to create the office of Keeper of the State Capitol; read first time.

Mr. Dooly introduced a bill to authorize aliens to own property in this State; read first time.

Mr. Reily introduced a bill for the relief of the contractor on mail route No. 6287; read first time.

Mr. Throckmorton introduced the following resolution:

Resolved, That the Chair appoint a Select committee to act, in conjunction with a like committee on the part of the Senate, to take into consideration the propriety of the Legislature making an appropriation to facilitate the transmission of mail matter from Waco to Dallas; laid on the table one day for consideration.

Mr. Palmer introduced a bill to amend the act entitled an act of limitation of February 5th, 1841; read first time.

Mr. Rogers introduced a bill to amend the charter of St. Paul's College; read first time.

Mr. Speights introduced a bill to amend the 11th section of an act to organize County Courts, approved March 16th, 1848, read first time.

Mr. Dooly introduced the following resolution:

Resolved, That the Secretary of State furnish the chairman of the Judiciary committee with the Texas reports, from volume first to the last, inclusive, for the use of the Judiciary committee, which Reports shall be returned to the Secretary of State's office at the close of the present session of the Legislature; laid on the table one day for consideration.

Mr. Thorp introduced a bill to amend the 10th section of an act regulating juries, passed May 4th, 1846; read first time.

Mr. Wiley offered the following resolution:

Resolved, That Lorenzo Sherwood, Esq., be permitted to address the public in the Representative Hall for a few evenings, after the adjournment of the House, upon the subject of Railroads, provided no person be admitted within the bar, except under the rules of the House.

Mr. Mallard proposed to amend by inserting "late," before the words "Representative Hall."

Mr. Franklin proposed to substitute as follows:

Resolved, That Lorenzo Sherwood be permitted to deliver one or more addresses, on the subject of Railroads, in the hall lately occupied by the Representatives, in the old Capitol.

Mr. Fields moved to amend by inserting "and any other person who may desire to address the public upon the same subject."

Mr. Burney moved to lay resolution, substitute and amendments on the table; whereupon,

The yeas and nays were called, and stood thus :

YEAS.—Messrs. Speaker, Adrian, Bell, Birdwell, Boon, Brown, Burney, Cannon, Cone, Crosby, Dooly, Gaston, Hord, Laird, Loving, Mallard, Muckleroy, Melton of N., Moore of W., Rushing, Stapp, Throckmorton, Travis, Waller, Whitmore, Wilson Wood of C., and Wood of L.—28.

NAYS.—Messrs. Banks, Berry, Bourland, Burk, Calvert, Cl ariton, Daniel, Darden, Dalany, Edwards, Fields, Franklin, Fowler, Hall, Hicks, Holman, Holland, Kingsbury, Lewis, Lyday, Marshall, Maverick, McEnloch, Menfee, Melton of H., Moore of Polk, Palmer, Parsons, Rains, Randolph, Roberts, Rogers, Schleicher, Shaw, Speights, Stout, Stroud, Swearingen, Taylor, Thorp, Turner of L., Turner of R., Vontress, Walker, White, Wiley, Witt and Wooten.—49.

So the motion to lay on the table was lost.

The resolution as amended, was put and adopted.

Mr. Randolph introduced a bill to repeal an act entitled an act to amend the 99th, 130th and 131st sections of an act to regulate proceedings in the District Courts ; read first time.

Mr. Schleicher offered the following resolution :

Resolved, That the business on the Speaker's table be taken up, and all other regular business, after the reading of the journals, be suspended until all the matter now on the Speaker's table is disposed of; laid on the table one day for consideration.

Mr. Reily submitted three petitions of F. Brichta, for land due George Brown ; referred to the committee on Private Land Claims No. 2.

Mr. Dooly offered the following resolution :

Resolved, That the Representative Hall in the new Capitol shall not be used or appropriated for any other purpose than such as appropriately appertains to legislation, and for the use and convenience of the members and officers of the Legislature, unless permission be previously granted by a vote of two-thirds of the members of this House ; laid on the table one day for consideration.

On motion of Mr. Stout, Mr. Sims was excused from attendance on the House for five days.

On motion of Mr. Fields, Mr. Tait was excused from attendance on the House until Monday next.

ORDERS OF THE DAY.

A resolution to change the 19th Standing Rule of the House, was taken up and adopted.

The report of the committee on the Judiciary, recommending the indefinite postponement of a bill regulating forced sales, was taken up and adopted.

A report of same committee, recommending the passage of a bill to legalize the acts of Alexander Beaton, Notary Public of Navarro county, was taken up, report adopted, and bill read second time, and on motion of Mr. Melton of N., ordered to be engrossed.

A report of the committee on Public Land Claims, recommending the rejection of a bill to require the Commissioner of the General Land Office to furnish the District and County surveyors of the several counties of this State, an abstract showing what surveys, represented upon the maps in his office, have become forfeited by the failure to return the field notes of the same, as provided by an act approved February 10th, 1852, was taken up, and on motion of Mr. Burney, re-referred to the committee on the Judiciary.

The report of the committee on Education, recommending the passage of a bill to incorporate Alma Female Institute, was taken up; report adopted, bill read second time, and on motion of Mr. Turner of L., ordered to be engrossed.

A report from the committee on County Boundaries, recommending the passage of a bill to amend an act to incorporate the Chappell Hill Male and Female Institute, taken up, and on motion of Mr. Franklin, re-referred to the committee on the Judiciary.

On motion, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

Orders of the day resumed.

The report of the committee on County Boundaries, recommending the passage of a bill to incorporate the town of Columbus, was taken up; report adopted, bill read second time, and on motion of Mr. Turner of L., ordered to be engrossed.

Mr. Franklin, chairman of the committee on the Judiciary, by leave of the House, made the following report:

Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred a bill to amend an act to incorporate the Chappell Hill Male and Fe-

male Institute, have had the same under consideration, and have instructed me to report the bill and recommend its passage with the following amendments :

In the caption, strike out the words "a bill to amend," and insert "an act to amend the 7th section of an act entitled;" report received to come up in its regular order.

By leave of the House, Mr. Franklin moved that the rule defining the order of business be suspended, and that the report and bill be taken up; lost.

A report of the committee on Internal Improvements, recommending the passage of a bill to encourage the building of steamboats and other vessels in Texas, was taken up and adopted; bill read second time, and on motion of Mr. Reilly, ordered to be engrossed.

A bill to amend an act entitled an act to incorporate the town of Carthage, in Panola county, was taken up, read second time, and on motion of Mr. Dulany, ordered to be engrossed.

A report of the committee on County Boundaries, recommending the passage of a bill to authorize the Clerk of the County Court of Navarro county to transcribe the book of marks and brands of said county, was taken up; report adopted, bill read second time, and on motion of Mr. Melton of N., ordered to be engrossed.

The report of the committee on Public Lands, on the petition of Elvira McKinney, recommending its indefinite postponement, was taken up and adopted.

A report of the committee on Finance, on a bill and amendment to amend an act entitled an act to fix the pay and mileage of members of the Legislature, approved April 13th, 1846, was taken up.

Mr. Taylor proposed to amend as follows :

Strike out four, wherever it occurs in the bill, and insert five.

Mr. Mallard proposed to amend as follows :

Provided, each regular session shall be limited to sixty days.

Mr. Charlton moved to lay the bill and amendments on the table; whereupon, the yeas and nays were called, and stood as follows:

YEAS.—Messrs. Banks, Berry, Bourland, Crosby, Dooly, Edwards, Franklin, Hunt, Kingsbury, Lewis, Marshall, McCulloch, Palmer, Randolph, Rogers, Schlercher, Stapp, Stout, Taylor, Thorp, Throckmorton, Travis, Turner of L., Walker, Waller, White, Wilson, Wiley and Witt.—29.

NAYS.—Messrs. Speaker, Adrian, Billingsly, Birdwell, Boon,

Brown, Burk, Burney, Calvert, Cannon, Charlton, Daniel, Darden, Dolany, Fowler, Gaston, Hall, Hicks, Holman, Holland, Laird, Lyday, Mallard, Maverick, Mucklerav, Menifee, Melton of H., Melton of N., Moore of P., Moore of W., Parsons, Rains, Reily, Roberts, Rushing, Shaw, Speights, Swearingen, Turner of R., Vontress, Whitmore, Wood of C., Wood of L. and Wooten.
—44.

So the motion was lost.

On motion of Mr. Charlton, the bill and amendments were made the special order of the day for to morrow 11 o'clock, A. M.

The report of the committee on State Affairs, recommending the indefinite postponement of the bill to regulate the practice of medicine, was taken up and adopted.

The report of the committee on State Affairs, recommending the indefinite postponement of a bill to provide for the appointment of patrols, and describe their duties and powers, was taken up; report adopted, and bill indefinitely postponed.

A report of same committee, recommending the rejection of a bill granting land to ranging companies, was taken up, and on motion of Mr. Stout, made the special order of the day for the 15th instant.

A bill to incorporate Anson Lodge, No. 20, I. O. O. F., was taken up; read third time and passed by a constitutional majority.

A bill making an appropriation for the per diem and mileage pay of members, and per diem pay of the officers of the Fifth Legislature; read first time.

A bill concerning the foreclosure of mortgages; read second time, and on motion of Mr. Dooly, referred to the committee on the Judiciary.

A joint resolution to change the port of entry for the collectorial district of Brazos Santiago to Brownsville; read second time, and on motion of Mr. Kingsbury, ordered to be engrossed.

A bill to authorize cities, towns and counties to take and hold stock in railroads; read second time, and on motion of Mr. Palmer, referred to the committee on Internal Improvements.

A bill for the relief of the heirs of John Hibbins, deceased; read second time, and on motion of Mr. Stout, referred to the committee on Private Land Claims No. 1.

A report of the committee on Internal Improvements, reporting amendments to a bill to incorporate the Brazos Branch Plank

Road Company, was taken up, and on motion of Mr. Reliy, laid on the table.

Mr. Randolph moved an adjournment until 9 o'clock to-morrow, A. M.; lost.

A report of the committee on Public Lands, asking the reference of the petition of A. E. Osborn to the committee on State Affairs, was taken up; report adopted, and petition referred as requested.

The report of the committee on Public Lands, asking the rejection of the petition of C. H. Buckner, was taken up and adopted.

A report of the committee on Public Debt, asking the rejection of the petition of Bernard Dougherty, was taken up, and on motion of Mr. Stapp, laid on the table.

A report of the same committee, asking the rejection of the petition of N. D. Labadie, for a horse lost in the army of the late Republic of Texas, was taken up and adopted.

A bill to apportion the business in the District Courts; read second time, and on motion of Mr. Marshall, referred to the Judiciary committee.

Mr. Franklin in the chair.

A bill concerning the investment of funds of minors; read second time, and on motion of Mr. Charlton, referred to the Judiciary committee.

A bill for the relief of J. F. Ederington; read second time, and on motion of Mr. Vontress, referred to the committee on Private Land Claims No. 1.

A bill to provide for the construction of the Pacific and Texas Railroad; on motion of Mr. Burney, read by caption, and referred to the committee on Internal Improvements.

A report of the committee on County Boundaries, recommending the adoption of amendments made to a bill to create the county of Karnes; report adopted and bill read second time.

Mr. Menisee moved to re-refer the bill to the the committee on County Boundaries; lost.

On motion of Mr. Maverick, the bill was ordered to be engrossed.

A bill for the relief of the heirs of Samuel Sprague, deceased; read second time, and on motion of Mr. Stapp, referred to the committee on Private Land Claims No. 1.

A bill relating to the Chappell Hill Male and Female Institute; read second time, and on motion of Mr. Charlton, referred to the committee on Education.

A bill to amend an act concerning the proceedings of the Supreme Court; read second time, and on motion of Mr. Mallard, referred to the Judiciary committee.

On motion, the House adjourned until to-morrow, 9½ o'clock, A. M.

AUSTIN, December 6, 1853.

House met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday read and adopted.

On motion of Mr. McCulloch, Mr. Hunt was excused from attendance on the House on account of indisposition.

PETITIONS.

Mr. Charlton presented the petition of the citizens of Tyler county; referred to the Select committee on Judicial Districts.

Mr. Banks presented the memorial of S. M. and Susannah Cain; referred to the committee on the Judiciary.

Mr. Fields presented the petition of Wm. M. Spalding; referred to the committee on Internal Improvements.

Mr. Dooly presented the petition of John F. Torrey; referred to committee on Private Land Claims No. 1.

REPORTS OF STANDING COMMITTEES.

Mr. Menifee, chairman of the committee on State Affairs, made the following reports:

To the Hon. H. R. RUNNELS;

Speaker of the House of Representatives:

The committee on State Affairs, to whom was referred the petition of Daniel Wofford, asking the passage of a law permitting him to free his slaves, have duly considered the same, and have instructed me to report the same back to the House and recommend its indefinite postponement.

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on State Affairs, to whom was referred a bill

amending the 5th section of an act concerning estrays, approved February 8th, 1853, have maturely considered the same, and have instructed me to report the same back to the House and ask its rejection.

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on State Affairs, to whom was referred Senate's bill "incorporating the Grand Temple of Honor of the State of Texas, and subordinate Temples under its jurisdiction," have had the same under consideration, and report the same back to the House and recommend its passage.

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on State Affairs, to whom was referred the petition of sundry citizens, praying the establishing of an Historical Society, and an appropriation of money, &c., have had the same under advisement, and have instructed me to report the same back to the House and recommend its rejection.

Mr. White, chairman of the committee on Public Lands, made the following reports:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred a bill to amend an act concerning surveys of lands, have had the same under consideration, and have instructed me to report that they deem it unwise to change the law referred to, which provides for the future return of field notes upon all surveys of lands hereafter to be made, which, in the opinion of the committee, is a wise provision; it also provides for the relocation by the original locator, without the necessity of a survey of the same, upon the condition of paying one dollar for such re-location, which the committee deem an easy matter of retaining the location, if the party desires it; in view of the whole subject, the committee have instructed me to return the bill referred to them, and recommend its rejection.

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred the

Senate's bill for the relief of James McGloin, have had the same under consideration, and have instructed me to report it back to the House, and recommend its passage.

Mr. Turner of Lavaca, chairman of the committee on County Boundaries, made the following report :

Hon. H. R. RUNNELS,

Speaker of the House of Representatives.

The committee on County Boundaries, to whom was referred the petition of sundry citizens of Gillespie county, and Fisher and Miller's Colony, praying for a separate land district, have had the same under consideration, and a majority of said committee have instructed me to report the accompanying bill and recommend its passage.

Mr. Hall, chairman of the committee on Internal Improvements, made the following report :

COMMITTEE ROOM, December 5th, 1853.

Hon. H. R. RUNNELS,

Speaker of the House of Representatives.

The committee on Internal Improvements, to whom was referred two bills "to provide for the construction of the Mississippi and Pacific Railroad ;" and also a bill "to incorporate the Atlantic and Pacific Railroad Company," have had the same under consideration, and have instructed me to report the accompanying substitute for all three of said bills, and recommend its passage. The object contemplated by each of said bills is the same—the construction of a railroad through the limits of Texas, designed to form a link in the chain of road from the Atlantic to the Pacific Ocean, and the bill which your committee have prepared and presented, will, if sanctioned by the House, most likely attain the desired object. This bill authorizes the construction of a first class Railroad, with a single or double track, entering the State of Texas at any point not north of Fulton, in Arkansas, or the Spanish Bluff in Texas; and crossing the Trinity river as near the thirty-second parallel of north latitude as practicable, the Brazos on or south of that parallel, and thence within the limits of Texas, on or as near the same parallel as practicable, to some point near El Paso on the Rio Grande; and offers to any company of capitalists who will undertake to build the same on the terms and conditions prescribed in the bill, a bonus of twenty-five sections of land of six

hundred and forty acres each, for each and every mile of road actually constructed and put in complete operation. The importance of this road to Texas and to the whole South, at once addresses itself to every thinking mind. It will, beyond doubt, secure to Texas, what is now eagerly and earnestly sought after by various sections of this confederacy—the trade of the Pacific Ocean and the East Indies. It is now considered certain that a railroad will be built from some point on the Mississippi to the Pacific Ocean, in a very few years; but whether it will pass over the soil of Texas or not, depends, in a great degree, upon the exertions made by her to secure that object. There are not less than four prominent routes proposed for this road, north of Texas, and most, if not all of them, backed by capital and influence. It is believed, however, that no one of these routes will be able to command sufficient power and influence to compete with the route through Texas, when sustained by the State by the liberal donation of twenty five sections of land to the mile, for eight hundred miles. This donation, amounting to twelve millions eight hundred thousand acres of land, as rich and productive as any on the globe, will more than build the road through Texas, which, except a short road from the eastern boundary of Texas to the Mississippi, will virtually reduce the competition between the different routes to a struggle between the road from El Paso to San Diego, not exceeding seven hundred miles in length, and other routes not less than two thousand miles in length; and your committee think that there is no doubt but that Texas will thus secure to herself all the advantages of the Pacific Road passing through her territory.

It may be urged by some, that the donation offered in the bill is unnecessarily and extravagantly large, and that a less amount of the public domain would attain the desired end; your committee think differently and believe that the future prosperity and greatness of our State depend on prompt, energetic and enlightened action, and such the bill contemplates. A smaller donation of land would likely secure the construction of this great road for the next generation, but not for this. For the present generation, as well as for the next, we are acting, and if we fail through misguided or contracted opinions, to provide all the facilities within the reach of reasonable exertion, we are proving recreant to the sacred trust confided to us. The public domain of Texas, now amounting to upwards of 102,000,000 of acres, although as fertile as any portion of the United States, is now valueless to her, because destitute of commercial facilities. Her rivers are shallow, shoaly and useless, and she has no railroad.

Her population is so sparse, and her productions consequently so small, that capitalists cannot be prevailed upon to embark their means in the construction of railroads through her territory, unless extraordinary inducements are held out. The consequence is, that the vast domain of the State is valueless to her, and must remain so for years to come, unless some such policy as that contemplated in the bill be adopted. It is not proposed to give the land *en bloc*, but in alternate sections of six hundred and forty acres each, the remaining alternate sections being reserved to the State, and your committee are of the confident opinion that the reserved alternate sections in the vicinity of a great iron highway, such as the Pacific Road must be, will be of more value to Texas than the whole of it now is, to say nothing of the incalculable advantages to result to her citizens in the shape of commercial facilities.

Your committee have not space to include in this report any general statistics, yet they cannot forbear referring to a few facts, illustrative and confirmatory of this position. In the able review published in New Orleans by Mr. De Bow, we find the following facts: In speaking of the New York and Erie Railroad, he says: "The country through which that great work was projected, presented formidable obstacles to the engineer, from its rugged and mountainous surface, and being sparsely settled—containing at that time only 257,000 inhabitants, gave little assurances of profit from local traffic: yet in 1849, less than half, or 214 miles of the road having been opened, through a region which numbered in 1840, a population of less than 126,000 souls, more than 132,000,000 lbs. of freight were transported over it, furnished by the country along its line. Immense as was the sum required to build this road, (\$23,000,000,) the benefits already derived from its construction have exceeded the warmest anticipations of its advocates, and would have justified a much greater expenditure. It is computed that the real estate of the counties contiguous to that road, has been enhanced upwards of \$25,000,000 in value, or \$2,000,000 more than the entire cost of the work, and within twelve months of its final completion."

The State of Massachusetts has developed more than any other State in the Union, the wisdom of liberal donations for purposes of internal improvements. The people of that State, through private subscription and reasonable State aid, were enabled, between 1835 and 1850, to contribute \$53,364,000 to perfect a railway system within her borders, which, in 1850, yielded a net income of \$3,480,000, being six per cent. upon the

cost of \$45,000 per mile. Aside from this direct profit upon the capital invested, a remarkable illustration of the collateral advantages of railways is afforded by a comparison between Boston in 1840, and the same city in 1850. In 1840, Boston and towns adjacent, embracing a district of about nine miles in breadth by sixteen miles long, contained a population of 172,000. In 1850, the same district contained 293,000, showing an increase of 121,000, or 70 per cent. in ten years, while for the previous decade the ratio of increase was less than 45 per cent. The assessed value of property in this district in 1840, was \$120,000,000; and in 1850, \$266,000,000, an increase of \$146,000,000, or 122 per cent. in ten years, of actual wealth, in a single district of the State, created by an outlay of a little more than \$52,000,000. The State at large has likewise participated in the upward movement. The assessed value of property in Massachusetts, for 1840, was \$299,879,000, and in 1850, reached \$590,532,000, being an increase of 290,653, or nearly 100 per cent. added to her taxable property in the last decade, an amount equal to five and a half times the cost of all the railroads in the State.

Results of a similar character have followed the creation of railroads in every State in the Union, and in every part of the world, and want of space alone prevents your committee from exhibiting statistics in proof of this in their report.

Then the proposition resolves itself into this: will Texas permit the Pacific Road to pass through her territory, she being assured that it costs her nothing? Your committee hope and believe that she will; but it is the true policy of Texas, as it is of all civilized States, to acquire population and wealth. Without railroads she cannot do either; with them she can do both. It is now so well established as to amount to an axiom in the political economy of civilized States, that population and property keep pace with railway extension, and in those States of this confederacy, and of Europe, in which the largest number of miles of railroad have been built in proportion to the number of inhabitants, has the increase of population and wealth been greatest. The acquisition of population and wealth should be an object earnestly desired by every citizen of Texas; her strength at home and respectability abroad, depend upon her numbers. In a democratic government like ours, our position and power depend on our number of inhabitants, and since the population of every State depends on the commercial and agricultural advantages it presents to its citizens, it follows that Texas should devote herself with all her energies to the acquisition of the facilities presented by competing sections.

It is therefore to the interest of Texas to adopt and carry out this policy, even though the vast advantages to be derived from the trade of the Pacific slope and East Indies were left out of view. But when we add the untold benefits to result from this trade to those already recited, it occurs to your committee that any other policy than that indicated in the bill proposed, would be in the highest degree suicidal to the dearest interests of our young and growing State. Texas now has it in her power to set out on a new and grand career of prosperity and greatness. With the Pacific Road through her limits, she will secure that which every section of this nation is earnestly contending for, and which has engaged the attention of mankind for more than two thousand years—the trade of the East Indies. The trade has furnished the richest and most costly products from all antiquity. It built up Tyre and Alexandria, and enabled Carthage to rival imperial Rome. In later years it caused Venice to spring from the “marshes of the Adriatic,” and an obscure island town was seen to rival in splendor and magnificence all that the world had hitherto seen, and to cause kings to tremble on their thrones. It also enriched Lisbon and Amsterdam, and at the present day furnishes the magic power by which Great Britain, an island not greater in extent than many of the American States, maintains her proud position of mistress of the seas, and holds vast dominion in the four quarters of the world, “a match for half of Europe and dominant in Asia.” All history abundantly proves that every nation on the globe which has had the benefits of this trade, has attained the highest pinnacle of wealth and power, and eminent perfection in the arts and sciences. A great iron highway to India, across the American continent, will completely change the course of commerce from its present channels around Cape Horn and the Cape of Good Hope, and bring it across from San Diego to the Mississippi cities, and the Atlantic ports on its voyage to London and Bremen. It is a great law of commerce as unchangeable as nature herself, that the course of trade will always be upon the most direct line between production and consumption; and therefore the course of commerce between Europe and Asia will be across this continent, it being several thousand miles nearer, and the time required to cross America from London to China, not being one fourth as long as the present route around the Cape of Good Hope. From London to Canton, via the Cape last named, is near 14,000 miles, and sail vessels require upon an average near six months to sail from one port to the other, while across this continent the distance is only 11,000 miles, and the time by steam has been computed at thirty

seven days. From these facts, no reflecting mind can doubt for a moment that the trade of 300,000,000 of Europeans and 500,000,000 Asiatics, will pass over this great American road, and pay tribute to this country on its transit. The present commerce of Europe with Asia, as shown by a report made to Congress, a short time ago, is not less than \$250,000,000 per annum, while that of the United States with Asia does not exceed \$13,000,000. The great objects of this road, then, are to change the route of the commerce of Europe with Asia to it, and render that commerce tributary to us, on which the road must mainly depend for its support, and to make a cheap means of transportation for the products of the great valley of the Mississippi to the markets of all Asia, and on a parallel of latitude which will not subject these products to damage and decay. Texas will not be the only State benefitted by this commerce, nor does she desire that it should be so; it will generate and foster a vast trade in her sister States of the South, through which they may soon regain their now lost strength and power, and a few years may effect a restoration of that equality and balance of power between the two sections, North and South, which was once looked to as the surest guarantee of the perpetuity of our Union.

M. J. HALL, Chairman.

Mr. Burney, chairman of the committee on Private Land Claims No. 2, made the following reports:

COMMITTEE ROOM, December 6, 1853.

Hon. H. R. RUNNELS,

Speaker of the House of Representatives.

The committee on Private Land Claims, to whom was referred the petition of Harriet Roberts and John F. Roberts, have duly considered the same, and instruct me to return the petition and ask to be excused from the further consideration of the same.

The committee on Private Land Claims, to whom was referred the petition of the heirs of Charles Murchard, deceased, have had the same under consideration and instruct me to report the following bill for their relief, with a proviso, and recommend its passage; report received and bill read first time.

The committee on Private Land Claims, to whom was referred the petition of Shelby Glass, have duly considered the same, and instruct me to report the accompanying bill for his relief.

and recommend its passage; report received and bill read first time.

The committee on Private Land Claims, to whom was referred the petition of the heirs of James Jeffries, have considered the same, and instruct me to return the same and ask to be excused from the further consideration of the same.

The committee on Private Land Claims, to whom was referred the petition of Burwell J. Thompson, have had the same under consideration; and instruct me to report the accompanying bill for his relief and recommend its passage; report received and bill read first time.

Mr. Dulany, one of the committee on Private Land Claims No. 1, made the following reports:

Hon. H. R. RUNNELS,
Speaker of the House of Representatives:

Your committee on Private Land Claims No. 1, to whom was referred the petition of Samuel Stacks, having considered the same, and instruct me to report that the petitioner was never entitled to any land in the State as an emigrant; he having started to the State in 1845 and got here in 1849. I am instructed to ask that the claim be rejected.

Your committee on Private Land Claims No. 1, to whom was referred the petition of Francis Ramsdale, praying relief, instruct me to report that the subject matter of the petitioner does not come properly before the committee. They therefore ask its reference to the committee on Claims and Accounts.

The committee on Private Land Claims No. 1, to whom was referred the petition of the heirs of John and Lanson Mills, praying for land, have had the same under consideration, and are satisfied that the prayer of the petitioners should be granted. They therefore instruct me to recommend the passage of the accompanying bill; report received and bill read first time.

Your committee on Private Land Claims No. 1, to whom was referred the petition of R. H. Horn, asking for land, having considered the same, are of the opinion that the law under which he seeks relief is not applicable to his case. The act of January or February 4th, 1841, the law under which petitioner claims, provided only for those who emigrated to the Republic since the first of January, 1840, and before the 1st of January, 1842. The facts are that petitioner emigrated hither in 1836,

while very young, with his parents, but was seventeen years old before the 1st of January, 1842; he could not, therefore, have had any claim under the law which provided for those only who emigrated since the 1st of January, 1840 or before the 1st of January, 1842. I am instructed to report the same back, and ask to be discharged from the further consideration of it.

The committee on Private Land Claims, No. 1, to whom was referred the petition of Hugh Anderson, asking for land, having considered the same, instruct me to report the same back to the House, with the accompanying bill for his relief, and recommend its passage; report received and bill read first time.

Your committee on Private Land Claims No. 1, to whom was referred a bill to be entitled an act to relinquish to residents of the State who have purchased or may hereafter purchase lands in good faith, the right of the State to such lands not exceeding 640 acres, instruct me to report the same back to the House, and ask to be discharged from the further consideration of the same.

The committee on Private Land Claims No. 1, to whom was referred the petition of Nicholas Rousseau, praying for relief for himself and the heirs of his brother, Louis Rousseau, deceased, having duly examined all the testimony, instruct me to report the same back to the House, and recommend the passage of the accompanying bill; report received and bill read first time.

The committee on Private Land Claims No. 1, to whom was referred the petition of T. E. Chimenes, praying for land, having duly considered the same, instruct me to report the same back to the House, with the accompanying bill and ask its passage; report received, and bill read first time.

Mr. Whitmore, chairman of the committee on Private Land Claims No. 2, made the following report:

Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

Your committee No. 2, on Private Land Claims, to whom was referred the petition of Jacob Lee, praying relief for land, as a colonist in Mercer's Colony, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioner is not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the memorial back to the House and ask its rejection.

Your committee No. 2, on Private Land Claims, to whom was referred a bill for the relief of the heirs of Elisha Roundtree, for one-third of a league of land, have duly considered the same. The committee are satisfied from the bill, that said heirs are not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the bill back to the House, and ask its rejection.

Mr. McCulloch, chairman of the Committee on Contingent Expenses, made the following report:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

Your committee on Contingent Expenses, having duly considered the propriety of making some disposition of the furniture belonging to the Representative Hall, lately occupied by that branch of the Legislature, have instructed me to report that they consider it necessary and proper that it should be disposed of for the benefit of the State, and that after so much of the same as may be needed for her present use, shall have been selected, the balance be sold and the proceeds placed in the Treasury, and further to report the accompanying resolution, and respectfully recommend its adoption.

Respectfully submitted,

H. E. McCULLOCH, Chairman.

Resolved, That the Sergeant-at-Arms be required to select twelve of the best tables used in the late Representative Hall, and place them in the committee rooms of the new Capitol, and also select fifty of the best chairs, used as aforesaid, to be disposed of as the Speaker may direct, and that the balance of the tables, chairs, &c., &c., be sold by said officer, to the highest bidder, after giving five days' notice by posting up hand bills about the city, and that he report and pay over the proceeds of said sale to the committee on Contingent Expenses, and that the same be placed in the Treasury, to the credit of the Contingent Fund of the House of Representatives. Report adopted.

A message was received from his excellency, the Governor, through his Private Secretary.

Mr. Palmer, one of the committee on Education, made the following minority report:

COMMITTEE ROOM, December 1st, 1853.

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The undersigned, on the part of a minority of the committee on Education, to whom was referred a bill to provide for the investment of two millions of dollars in the bonds of railroads, for the benefit of the Special School Fund, beg leave to present the following report :

Were this a subject of ordinary interest, much hesitation would be felt in thus dissenting from the action of a majority of the committee to which this bill was referred. But the object embraced in the bill has, for the last twelve months, excited more than ordinary attention, and has elicited much discussion in the Legislative Hall and among the people. And if the opinion of the people can be regarded as fixed or ascertained upon any subject whatever, their verdict has been rendered in terms emphatic in favor of the proposition embraced in this bill.

Prior to the last called session of the Legislature, the people had become aroused throughout the State upon the subject of railroads. Primary conventions had been held in many counties, and general conventions held in many places for the purpose of securing effectual State aid to railroads. In many, it was warmly urged that the State herself should embark in the enterprise of building her own roads upon a plan which would have cost her millions. But in all this it was universally conceded that roads could not be built without State aid, and warmly recommended that her aid should be given not only with land, but with money also. Such was the state of feeling throughout the country at the time the last extra session of our Legislature convened. And the whole country looked to its action upon this subject with more interest than any other, unless it was the subject of Education ; and it was then confidently expected that an adjournment would not take place without some decisive action on the subject. The subject was referred to a committee consisting of one from each judicial district in the State. This committee, after mature deliberation, determined to report a bill to set aside two millions of dollars out of the Treasury of the State, which might be loaned to railroads upon the terms hereafter stated, at such a rate of interest to be paid annually, as would support a general system of public schools. And for this purpose the same bill in substance, which is now before the House, was then reported by that committee with only one or two dissenting voices.

The history of how it was then defeated by fighting against time is familiar to all. Since that time the provisions of this bill have been fully discussed before the people, and in every instance in which direct issues were made, upon the same, the verdict of the people was in its favor.

The principal object of the bill is to make the money invested entirely secure, and to put it out at such an interest as will furnish the best support to such a school system as may hereafter be adopted by law. That the amount proposed to be loaned by the bill to railroads is amply secured by its provisions, the undersigned believe cannot be doubted by any candid and unbiassed mind. The amount is limited to the sum of four thousand dollars per mile, for every mile which shall be completed in a good and substantial manner, and no road is permitted to draw one dollar until fifty miles should be completed and furnished for actual use; upon which the State is to have a preference lien over all others for the security of the money loaned. The undersigned need present no further argument in behalf of the security of such a loan, than the very fact that no road can be constructed and equipped, as required in this bill, at a less cost than from sixteen to twenty thousand dollars per mile, and that the iron itself required for the construction of such road, will cost over eight thousand dollars per mile, more than double the amount proposed to be loaned. And the past history of railroads bear the undersigned out in believing that it has not been the frequent habit of railroad companies to expend from fifteen to twenty thousand dollars per mile on railroads, and then suffer them to be sacrificed for one-fourth of their actual cost. Past experience has induced capitalists to seek road investments for the sake of gain, and not for the purposes of losing. The security here proposed is such as the closest usurer would eagerly embrace and count out his hoarded hundreds upon, provided sufficient interest were offered.

But it is objected that the money proposed to be thus loaned to railroads, is already invested in United States bonds, and is entirely safe and secure, and ought not therefore to be otherwise invested. Without denying that this investment is safe, the undersigned fully concur in the belief that this money can be invested far more beneficially to the State of Texas, and at the same time be made perfectly secure. Why should the State of Texas hold the bonds of the United States Government, bearing five per cent. interest, when she can place the money at a larger interest, so as to develop her own resources and advance her own prosperity? While her legislators have wrangled among themselves about loaning two millions of dollars to railroads,

other States have appropriated millions to the same purpose, and are now pushing forward their public works with an energy and zeal heretofore unsurpassed. And Texas will, in all probability, be lamenting her her lethargy and inaction when they shall be reaping the rich rewards of their enterprise and liberality. Every State in the Union which is now enjoying the benefit of a general system of railroads, has secured them only by granting State aid in the most liberal manner. And though experience has taught that it is best to leave their construction and management to private enterprise, it has nevertheless been satisfactorily shown that the public good has almost universally required and obtained State aid.

The State of Pennsylvania alone has expended on her public Internal Improvements forty millions of dollars. The State of New York nearly as much; the State of Virginia seventeen millions; the State of Georgia, now by far the most prosperous State in the South, has gained her position solely by the liberal spirit and wise policy which she has pursued upon the subject of Internal Improvements. She has expended upon one single road in her limits, (the Western and Atlantic road) the sum of five millions of dollars, which is now returning a satisfactory annual profit upon the investment, which she now proposes to set aside for the support of education and the government.

Such is the result contemplated in part by the friends of the present bill, not that the interest arising from the amount proposed to be loaned to railroads will be sufficient to support the government, but that it will be sufficient to put into operation and support a liberal system of public schools. The bill proposes to lend the money at six per cent. per annum, the interest payable annually, which would amount to one hundred and twenty thousand dollars per annum, more than double the amount yet realized for the School Fund of the ten per cent. revenue collected under the constitution. With this amount of interest paid annually, for the support of the School Fund, subject to immediate appropriation, a liberal system of public schools could be put into operation without further delay, and the benefits of an education extended upon equal terms to every child throughout the broad extent of our beautiful State.

E. A. PALMER,
B. B. CANNON,
C. H. RANDOLPH,
BIRD HOLLAND,
J. MARSHALL,
R. J. SWEARINGEN,

Members of the Education committee.

BILLS AND RESOLUTIONS.

Mr. Bourland offered the following resolution :

Resolved, That the committee on Internal Improvements be instructed to take into consideration the propriety of the passage of a general law providing for donations to local railroad charters in Texas, and report the result of their investigation by bill or otherwise.

Mr. Stapp proposed to amend by striking out "local ;" lost.

The resolution was adopted.

Mr. Muckleroy introduced a bill directing the Commissioner of the General Land Office to issue patents on head-right certificates and certificates based on orders of survey, which have been ordered to be issued, or have been granted by the District Court on appeals from the county boards of land commissioners ; read first time.

Mr. Menifee introduced a bill to incorporate Milam Lodge No. 23, I. O. O. F., in the city of Austin ; read first time.

Mr. Travis introduced a bill to amend an act entitled an act to incorporate the town of Lockhart, in Caldwell county, approved February 10th, 1852 ; read first time.

Mr. Darden moved to adjourn until half-past two o'clock ; lost.

On motion of Mr. Charlton, the communication from his excellency, the Governor, was taken up and read, and on motion of Mr. Stapp, the subject matter of the accompanying documents was referred to the committee on Claims and Accounts, and communication ordered to be transmitted to the Senate.

A report of the committee on Finance, on a bill to fix the pay and mileage of members of the Legislature, recommending the passage of the accompanying substitute, which was made a special order for to-day at 11 o'clock, was taken up.

Mr. Franklin moved to lay the substitute on the table ; lost.

On motion of Mr. Moore of Polk, the amendment offered by Mr. Mallard, on yesterday, was laid on the table.

Mr. Franklin proposed to amend by striking out "four" wherever it occurs in the bill, and inserting "one ;" rejected.

Mr. Cone offered the following amendment :

"Strike out the words four dollars, where they occur in the bill, and substitute four and a-half dollars ; rejected.

Mr. Reilly moved a reconsideration of the vote taken yesterday, on striking out four and inserting five dollars, wherever it occurred in the bill ; carried.

On motion, the House adjourned until 3 o'clock, P. M.

Pending: A bill relative to the pay and mileage of members of the Legislature.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

The bill pending when the House adjourned was again taken up, the amendment offered by Mr. Taylor, on yesterday, being before the House.

Mr. Charlton moved to lay the amendment on the table.

Mr. Taylor moved to amend motion by adding, and bill.

A division of the question was called for and had.

Mr. Adrian moved a call of the House; carried.

On motion of Mr. Reily, the further call was suspended.

On the motion that the bill lay on the table, the yeas and nays were called for, and stood as follows:

YEAS.—Messrs. Speaker, Adrian, Baylor, Billingsly, Birdwell, Boon, Brown, Burk, Burney, Calvert, Cannon, Charlton, Daniel, Ferris, Fowler, Gaston, Hall, Laird, Loving, Lyday, Mallard, Maverick, Muckleroy, Menifee, Melton of H., Melton of N., Moore of P., Moore of W., Rains, Reily, Roberts, Rushing, Shaw, Speights, Swearingen, Whitmore, Wood of C. and Wood of L.—38.

NAYS.—Messrs. Banks, Bell, Berry, Bourland, Collier, Crawford of B., Crosby, Darden, Dulany, Edwards, Franklin, Hicks, Holland, Holman, Hord, Kingsbury, Lewis, Marshall, McCulloch, Palmer, Parsons, Randolph, Rogers, Schleicher Stapp, Stout, Stroud, Taylor, Thorp, Throckmorton, Travis, Turner of L., Turner of R., Vontress, Walker, Waller, White, Wilson and Witt.—39.

So the House refused to lay the amendment on the table.

Mr. Taylor withdrew his motion to lay the bill on the table.

The question being upon the adoption of the amendment, the yeas and nays were called for and stood thus;

YEAS.—Messrs. Banks, Baylor, Bell, Berry Bourland, Charlton, Collier, Crawford of B., Crosby, Darden, Dulany, Edwards, Franklin, Hicks, Holland, Holman, Hord, Kingsbury, Lewis, Marshall, McCulloch, Palmer, Parsons, Randolph, Rogers, Schleicher, Stapp, Stout, Stroud, Taylor, Thorp, Throckmorton, Travis, Turner of L., Turner of R., Walker, Waller, White and Wilson.—39.

NAYS.—Messrs. Speaker, Adrian, Billingsly, Birdwell, Boon, Brown, Burk, Burney, Calvert, Cannon, Daniel, Ferris, Fowler,

Gaston, Hall, Laird, Loving, Lyday, Mallard, Maverick, Muckle-roy, Menifee, Melton of H., Melton of N., Moore of P., Moore of W., Rains, Reily, Roberts, Rushing, Shaw, Speights, Swearingen, Vontress, Whitmore, Witt, Wood of C. and Wood of L.—37.

So the amendment was adopted.

Mr. Mallard moved to adjourn until to-morrow morning, half-past nine o'clock; lost.

The adoption of the substitute as amended, being before the House,

The yeas and nays were called for, and stood thus :

YEAS.—Messrs. Banks, Baylor, Bell, Berry, Bourland, Charlton, Collier, Crawford of B., Crosby, Darden, Dulany, Edwards, Franklin, Hicks, Holman, Holland, Hord, Kingsbury, Lewis, Marshall, McCulloch, Palmer, Parsons, Randolph, Rogers, Schleicher, Stapp, Stout, Stroud, Taylor, Thorp, Throckmorton, Travis, Turner of L., Turner of R., Walker, Waller, White and Wilson.—39.

NAYS.—Messrs. Speaker, Adrian, Billingsly, Birdwell, Boon, Brown, Burk, Burney, Calvert, Cannon, Daniel, Ferris, Fowler, Gaston, Hall, Laird, Loving, Lyday, Mallard, Maverick, Muckle-roy, Menifee, Melton of H., Melton of N., Moore of P., Moore of W., Rains, Reily, Roberts, Rushing, Shaw, Speights, Swearingen, Vontress, Whitmore, Witt, Wood of C. and Wood of L.—38.

So the substitute as amended was adopted.

On motion of Mr. Franklin, the substitute as amended was ordered to be engrossed.

Mr. Whitmore moved to reconsider the vote taken yesterday on a bill to regulate forced sales.

On motion of Mr. White, the motion to re-consider was laid on the table; carried.

On motion, the House adjourned until to-morrow, 9½ o'clock, A. M.

AUSTIN, December 7, 1853.

House met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday read and adopted.

On motion, Mr. Wiley was excused from attendance on the House, on account of indisposition.

Mr. Vontress moved to add Mr. Hord to the Special committee on the Milam claim; lost.

PETITIONS.

Mr. Taylor presented the petition of W. B. Milam; referred to the committee on Land Claims No. 1.

Mr. Witt presented the petition of the citizens of the town of Dallas; referred to the committee on County Boundaries.

Mr. Daniel presented the petition of John Cockrum; referred to the committee on Private Land Claims No. 1.

Mr. McCulloch presented the petition of Sarah Tate; referred to the committee on Private Land Claims No. 2.

Mr. Mallard presented the petition of John Crist; referred to the committee on Private Land Claims No. 1.

Mr. Sims presented the petition of the citizens of the county of Red River; referred to the committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Mr. Randolph, chairman of the committee on Education, made the following report:

The committee on Education, to whom was referred the petition of sundry citizens of McLennan county, praying the Legislature to endow the Texas Orphan Asylum, have had the same under consideration, and I am instructed by the committee to report that a bill embracing that object has been reported to the favorable consideration of the House, by the committee on State Affairs. I am therefore instructed to return the petition to the House, and ask the respectful and careful consideration of the Legislature to this important subject.

Your committee, deeply impressed with the importance of providing suitable and ample means for the education of the orphan children of our State, and providing alike for their instruction in some suitable branch of industry, would recommend some liberal and enlightened action on the part of the Legislature in this behalf.

Mr. Turner of Lavaca, chairman of the committee on County Boundaries, made the following reports:

The committee on County Boundaries, to whom was referred a bill to change the 5th section of an act creating the county of Tarrant, approved December the 20th, 1849, have had the same under consideration, and have instructed me to report the same back to the House, without amendment, and recommend its passage.

The committee on County Boundaries, to whom was referred the petition of sundry citizens of Gonzales and Fayette counties, praying to be attached to Lavaca county, have had the same under consideration, and have instructed me to report that in their opinion justice demands that the prayer of the petitioners should be granted; by attaching them to Lavaca county, they will not only be nearer their county seat, but able at all times and in all weather to travel to the same with comfort and safety.

The committee have instructed me to report the accompanying bill and recommend its passage; report received, bill read first time.

Mr. Speights, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined the following bills, and find the same correctly engrossed:

A bill to incorporate the Alma Female Institute.

A bill to create the county of Karnes.

A bill supplementary to an act entitled an act to incorporate the town of Carthage, in Panola county, approved January 17th, 1852.

A bill to encourage the building of steamboats, steamships, and other vessels in the State of Texas.

A bill to legalize the acts of Alexander Beaton, Notary Public of Navarro county.

A bill authorizing the Clerk of the county court of Navarro, to transcribe the book of marks and brands of said county.

And a joint resolution instructing our Senators and requesting our Representatives in Congress, in regard to changing the port of entry at Point Isabel to Brownsville; report accepted.

BILLS AND RESOLUTIONS.

Mr. Waller introduced a bill to amend an act entitled an act regulate proceedings in county courts, relative to guardians and wards, approved 20th March, 1848, and to effect partition in county courts; read first time.

Mr. Witt introduced a bill to incorporate the Dallas Bridge and Causeway company ; read first time.

Mr. Maverick introduced a bill for the relief of Peter Gallaher and the legal representatives of Archibald Fitzgerald ; read first time.

Mr. Dulany introduced a bill authorizing and requiring the Commissioner of the General Landoffice to issue a certificate to M. G. Canico, for one-third of a league of land ; read first time.

Mr. Dooly introduced a bill for the relief of those to whom patents have been erroneously issued ; read first time.

Mr. Hall offered the following resolution :

Resolved, That the Chief Clerk of the House of Representatives be, and he is hereby authorized to contract with the publishers thereof, for one copy of the Weekly State Gazette and one copy of the Weekly State Times for each member of this House, to be paid for out of the Contingent Fund ; adopted.

Mr. Banks introduced a bill for the relief of Norman Austin ; read first time.

Mr. Daniel introduced a bill to amend an act to limit the boards of land commissioners and more clearly to define their duties, approved February 7th, 1853 ; read first time.

Mr. Palmer introduced a bill supplementary to an act concerning crimes and punishments ; read first time.

Mr. Stout introduced a bill for the relief of Harrison Brummet ; read first time.

Mr. Baylor introduced a bill to incorporate the town of La Grange in Fayette county ; read first time.

On motion of Mr. Hord, Mr. Bee, member elect of Webb county, came forward, presented his credentials, took the usual oath and his seat.

Mr. Stapp introduced a bill for the relief of John J. Lampkins ; read first time.

Mr. Bourland in the chair.

Mr. Thorp introduced a bill to amend the 24th section of an act of limitations, approved February 5th, 1841 ; read first time.

ORDERS OF THE DAY.

On motion of Mr. Reily, a report of the committee on Internal Improvements, recommending amendments to a bill to incorporate the Brazos Branch Plank Road Company, was taken up.

Mr. Crawford of W. moved to consider the amendments separately; carried.

1st amendment adopted.

Mr. Crawford of W. moved to lay the second amendment on the table; lost.

On motion of Mr. Taylor, the report, bill and amendments were referred to the committee on the Judiciary.

The special order of the day for to-day at 11 o'clock, was taken up, and on motion of Mr. Charlton, made the special order of the day for Saturday next, 10th instant, at 11 o'clock.

A resolution prohibiting the use of the New Capitol for any other purpose than that of the use of the member and officers of the Legislature, except by a two-third vote of the House, was taken up.

Mr. Sims moved to strike out two-thirds and insert a majority.

On motion of Mr. Turner of Rusk, the resolution was laid on the table.

A resolution proposing to change the rule defining the order of business, was taken up, and on motion of Mr. Adrian, laid on the table.

A resolution requiring the Secretary of State to furnish the chairman of the committee on the Judiciary with a copy of the Texas Reports, from vol. 1st to vol. last, inclusive, was taken up and adopted.

A bill to create the county of Bosque; read second time and on motion of Mr. Burney, referred to the committee on County Boundaries.

A bill more fully defining the mode of removing cases from the District to the Supreme Court; read second time, and on motion of Mr. Vontress, referred the Judiciary committee.

A bill requiring the Commissioner of the General Landoffice to issue land certificates in certain cases; read second time, and on motion of Mr. Billingsly, referred to the committee on the Judiciary.

A bill for the relief of Robert Cunningham, deceased; read second time, and on motion of Mr. Fields, referred to the committee on Private Land Claims No. 1.

A bill to provide for the issuance of patents in certain cases; read second time, and on motion of Mr. Fields, referred to the committee on the Judiciary.

A bill for the relief of John A. Robb, for three hundred and twenty acres of land; read second time, and on motion of Mr.

Billingsly, referred to the committee on Private Land Claims No. 2.

A joint resolution relative to the settlement of the public debt of the late Republic of Texas; read second time, and on motion of Mr. Stapp, referred to the committee on Public Debt.

A bill to change the name of Gary Ann Bruce, to that of Gary Ann Maul; read second time.

Mr. Muckleroy moved to refer it to the committee on State Affairs; lost.

On motion of Mr. Baylor, the bill was ordered to be engrossed.

A bill supplementary to an act to create the county of Trinity; read second time, and on motion of Mr. Moore of Polk, referred to the committee on County Boundaries.

A bill for the relief of John Jorden; read second time, and on motion of Mr. Billingsly, referred to the committee on Private Land Claims No. 2.

Leave of absence was granted to Mr. Franklin for ten days.

On motion, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

On motion of Mr. Bonrland, Mr. Burleson, Sergeant-at-Arms, was excused from attendance on the House for two days.

A resolution requesting the Speaker to appoint a Select committee on the part of the House to act with a like committee on part of the Senate, to take into consideration the propriety of the Legislature making an appropriation to facilitate the transmission of mail matter from Waco to Dallas, was taken up and adopted.

Messrs. Throckmorton, Reily and Boon, were appointed said committee.

A bill to amend an act entitled an act concerning divorce and alimony, passed January 6th, 1841; read second time, and on motion of Mr. Mallard, referred to the Judiciary committee.

A bill regulating rents; read second time, and on motion of Mr. Ferris, referred to the Judiciary committee.

A report of the committee on Public Debt, on the petition of Chauncy Johnson, with an accompanying resolution, which reads as follows:

Resolved, That it is the sense of this House, that property destroyed by the enemy, or that which was unauthorizedly destroyed by our own troops, do not constitute a good and valid

claim for compensation, was taken up, and on motion of Mr. Dooly, made the special order of the day for Friday next, at 11 o'clock.

On motion, the House adjourned until to-morrow morning, half-past 9 o'clock.

AUSTIN, December 8, 1853.

House met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Fields presented the petition of B. Adair, for land; referred to the committee on Private Land Claims No. 1.

Mr. Speights presented the petition of sundry citizens of Sabine county, praying a relinquishment of the State tax for the years 1854 and 1855.

Mr. Mallard presented the petition of A. Anglin, for land; referred to the committee on Private Land Claims No. 1.

Mr. Cannon presented the petition of William K. Lacy; referred to the committee on Private Land Claims No. 2.

Mr. Cannon presented the petition of Hillary R. Lacy; referred to the committee on Private Land Claims No. 2.

Mr. Marshall presented the petition of F. McDonald; referred to the committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Mr. Palmer, chairman pro tem. of the committee on the Judiciary, made the following reports:

The committee on the Judiciary, to whom was referred an act requiring the Chief Justice to reside at the county seats of the counties composing this State, having considered the same, they instruct me to report the same back to the House and recommend its indefinite postponement.

The committee on the Judiciary, to whom was referred a bill to regulate entries or locations in the several land offices of this State, have had the same under consideration, and instruct me to report the same back to the House, and recommend its indefinite postponement.

The committee on the Judiciary, to whom was referred a bill

to be entitled an act concerning wills, have had the same under consideration, and instruct me to report the same back to the House and recommend its indefinite postponement. The committee have discussed very fully the provisions of the law of wills, and although very equally divided upon the subject, a majority of the committee concur in the belief that the present law should not be disturbed.

A minority of the committee on the Judiciary made the following report :

A minority of the committee on the Judiciary, to whom was referred a bill to repeal the 13th and 15th sections of an act concerning wills, beg leave to present the following report, respectfully dissenting to the conclusions to which a majority of that committee came, in considering the bill. The undersigned concur in the belief that by removing the restrictions now imposed upon the right of parents to dispose of their property by will, numerous law suits will be avoided ; the influence of parents over their children will be greatly strengthened, and the law itself be placed on the only proper foundation, viz : the natural ties of affection between the parent and the child. The undersigned will not undertake to argue the question in a report of this character, the sole object of which is to present the subject for the consideration of the House when the bill and report of the committee is taken up.

E. A. PALMER,
J. B. MALLARD,
W. R. MOORE,
E. H. VONTRESS,
M. A. DOOLY,

The committee on the Judiciary, to whom was referred the bill to be entitled an act the more effectually to prevent frauds and fraudulent conveyances, have had the same under consideration, and instruct me to report the same back to the House, and recommend its indefinite postponement.

Mr. Turner of L., chairman of the committee on County Boundaries, to whom was referred the petition of sundry citizens of Bexar, Guadalupe and Gonzales counties, without, as your committee believe, reducing either of them to less than nine hundred square miles, on running the lines of the new county nearer than fifteen miles of the seat of justice of Bexar county. The committee have therefore instructed me to report the accompany-

ing bill, and recommend its passage ; report received and bill read first time.

Mr. Whitmore, chairman of the committee on Private Land Claims No. 2, made the following reports :

Your committee on Private Land Claims No. 2, to whom was referred the petition of F. Brichta, praying relief for two-thirds of a league and labor of land, have duly considered the same. The committee are satisfied from the evidence before them that said petitioner is not entitled to the land prayed for in said petition, from the fact that the certificate was obtained by an agent when the law required it in person. The committee therefore instruct me to report the memorial with accompanying documents back to the House, and ask its rejection.

Your committee on Private Land Claims No. 2, to whom was referred the petition of sundry petitioners of Sabine county, praying relief for the heirs of Sarah Smith, formerly Sarah Rugg, for one league and labor of land, have duly considered the same. The committee are satisfied from the evidence before them, that said heirs have never received the land prayed for in said petition. The committee therefore instruct me to report the accompanying bill back to the House for their relief, and recommend its passage ; report received and bill read first time.

Your committee on Private Land Claims No. 2, to whom was referred the petition of Elisha T. Robinson and others, praying for relief for twelve hundred and eighty acres of land, have duly considered the same. The committee are satisfied from the evidence before them that said petitioners are not entitled to twelve hundred and eighty acres of land, as is recommended by a certificate issued by the Board of Land Commissioners, bearing date 3d May, 1838. The committee are satisfied from the declaration set forth in said petitions, that petitioners did not arrive in the Republic of Texas until the 1st day of January, 1838 ; therefore said petitioners are not entitled to more than 640 acres of land. The committee therefore instruct me to report a bill back to the House for 640 acres of land, and recommend its passage ; report received and bill read first time.

BILLS AND RESOLUTIONS.

Mr. Crawford of W. introduced a bill to raise fees in the Landoffice ; read first time.

Also, a bill to incorporate Jones Academy, which was read first time.

Mr. Fields introduced the following resolution:

Resolved, That one thousand copies of the following reports and bills be printed for the use of this House, viz: report and bill in relation to the Pacific railroad, presented by the committee on Internal Improvements; and report, bill and minority report from the committee on Education, in relation to loaning money to railroad companies, the same to be printed in pamphlet form; adopted.

By leave of the House, Mr. Lewis submitted the petition of the citizens of the 5th Judicial District; referred to Select committee on Judicial Districts.

Mr. Stout introduced a bill for the relief of Lewis Lowens; read first time.

Mr. Hall introduced a bill to authorize the county court of Harrison county to have book "L" transcribed; read first time.

Also, a bill for the relief of Charlton Williams, which was read first time.

On motion of Mr. Dooly, Mr. Schleicher was added to the Special committee on Fisher and Miller's Colony.

Mr. Cannon introduced a bill for the relief of Sarah Blythe, widow of Sion Blythe, deceased; read first time.

Mr. Stroud introduced a bill for the relief of the heirs of Thomas M. Alston; read first time.

Mr. Daniel introduced a bill for the relief of L. A. Adams, administratrix of Wm. L. Adams, deceased; read first time.

Mr. Moore of Polk introduced a bill to amend an act to regulate proceedings in the district court, approved May 13th, 1846; read first time.

ORDERS OF THE DAY.

A bill supplementary to an act entitled an act to perfect land titles in Castro's Colony, approved January 22d, 1850; read by caption, and on motion of Mr. Fields, referred to the committee on State Affairs.

A bill to incorporate the Red River and Texas Insurance Company; read second time and on motion of Mr. Burney, referred to the committee on the Judiciary.

A bill to incorporate the town of Linden, in Cass county; read by caption, and on motion of Mr. Reily, referred to the Judiciary committee.

A bill providing for the payment of witnesses in criminal cases; read second time, and on motion of Mr. Cannon, referred to the committee on Finance.

By leave of the House, Mr. Turner of Lavaca, chairman of the committee on County Boundaries, made the following report:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives.

The committee on County Boundaries, to whom was referred the petition of sundry citizens of McLennan county, praying the establishment of a new county, above the present county of McLennan, have had the same under consideration, and have instructed me to report the accompanying bill and recommend its passage; report received and bill read first time.

A message was received from the Senate, through their Secretary, informing the House that that body had passed the following bills:

A bill to incorporate the Texas and Red River Telegraph Company.

A bill supplementary to an act to establish the Galveston, Houston and Henderson Red River Railroad Company.

A bill to provide for the cancellation of patents in certain cases.

A bill for the relief James H. Tom; and,

A bill to establish a system of Common Schools.

A joint resolution to rent and furnish the Governor a house; read second time, and on motion of Mr. Stout, referred to the Finance committee.

A bill to amend the second section of an act better defining the marital rights of parties, approved March 13, 1848; read second time, and on motion of Mr. Fields referred to the committee on the Judiciary.

A bill to amend the first section of an act entitled an act to regulate estrays, passed February 18, 1850; read second time, and on motion of Mr. Turner of Lavaca, referred to the committee on State Affairs.

An act supplementary to an act authorizing and requiring the county courts to regulate roads, appoint overseers, &c., approved March 15, 1848; read second time, and on motion of Mr. Stout, referred to the committee on Roads, Bridges and Ferries.

An act for the relief of Mrs. Sally Owens and her three twin children, citizens of Williamson county, Texas; read second time, and on motion of Mr. Vontress, referred to the committee on State Affairs.

A bill for the relief of the heirs of Thomas Scott, deceased; read third time and passed.

A bill to incorporate Tyler University; read third time and passed by a constitutional majority.

Mr. Palmer moved a suspension of the rule defining the order of business, and that a bill to incorporate the Texas and Red River Telegraph Company be taken up; carried.

On motion of Mr. Palmer, the House rejected the amendment made by the Senate to said bill.

A bill authorizing the Commissioner of the General Land Office to appoint additional Draftsmen and Assistant Clerks, and to fix the salaries of the Commissioner and all under his control; read third time and passed.

A report of the committee on Private Land Claims, No. 1, recommending the passage of an accompanying bill for the relief of J. B. Webster, was taken up; report adopted and bill ordered to be engrossed.

A report of the committee on Federal Relations, upon a joint resolution relative to the collectorial district of Brazos de Santiago, was taken up; report adopted and resolution ordered to be engrossed.

A report of the committee on Federal Relations, recommending the passage of a joint resolution for the relief Messrs. Cook & Lockwood, was taken up; report adopted.

Mr. White proposed to amend by striking out, in the caption, all after the words joint resolution; accepted.

On motion of Mr. Dooly, the joint resolution was ordered to be engrossed.

A report of the committee on Private Land Claims No. 2, recommending the rejection of the petition of C. W. Butler, was taken up.

Mr. Randolph moved to lay the report on the table; lost.

On motion of Mr. White, the report and petition were referred to the committee No. 2 on Private Land Claims.

A report of the committee No. 2 on Private Land Claims, recommending the rejection of the petition of Joshua Zumwalt, was taken up and adopted.

A report of the committee on Roads Bridges and Ferries, asking to be discharged from the further consideration of a bill to authorize the erection of a toll bridge across Big Cypress, was taken up and adopted.

On motion of Mr. Ferris, the bill was re-referred to the committee on the Judiciary.

A report of the same committee, asking to be discharged from the further consideration of the petition of the citizens of Shelby-

ville, was taken up, and on motion of Mr. Roberts, referred to the committee on Roads, Bridges and Ferries.

A report of the same committee, recommending the passage of a bill, as amended, to incorporate the Austin and Houston Turnpike Company, was taken up, report adopted, and bill passed to a third reading.

Mr. White in the chair.

A bill to regulate the style of directing process from the courts of this State; read second time, and referred to the Judiciary committee.

A bill for the relief of Peter R. Wagner; read second time, and referred to the committee on Private Land Claims No. 1.

A bill for the relief of David Mumford; read second time, and referred to the committee No. 2 on Private Land Claims.

A bill to confirm the patents issued to Levi Jones and Edward Hall, November 28th, 1840; read by caption, and referred to the Judiciary committee.

A bill supplementary to an act regulating fees of office; read first time.

A bill supplementary to an act entitled an act supplementary to and amending an act for the relief of the citizens of Mercer's Colony, approved February 2d, 1850; read first time.

A bill supplementary to an act to incorporate the Clarksville and Mount Pleasant Turnpike company; read first time.

On motion, the House adjourned until 3 o'clock, P.M.

THREE O'CLOCK, P.M.

House met—roll called—quorum present.

Mr. Crawford of W., chairman of the committee on Enrolled Bills, made the following report;

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined an act granting to Henry J. Jewett, Judge of the 13th Judicial District of the State of Texas, leave of absence from the State, and find the same correctly enrolled; they have also procured the signature of the President of the Senate and Speaker of the House of Representatives, and have this day presented it to the Governor for his approval.

Orders of the day resumed.

A bill to amend the 3d section of an act incorporating the

Clarksville and Mount Pleasant Turnpike company; read first time.

A bill to incorporate the Howard Association of Galveston; read first time.

A report of the committee on State Affairs, recommending the rejection of a bill to change the biennial meeting of the Legislature was taken up.

Mr. Turner of Lavaca, moved to lay report on the table; lost.

Report adopted.

A bill relinquishing to the counties the State tax for the years 1854 and 1855; read second time, and referred to the committee on Finance.

A bill to repeal a joint resolution for the punishment of vagrants, approved January 10th, 1838; read second time, and referred to the Judiciary committee.

A bill to amend a joint resolution for the relief of the heirs and assigns of Benjamin D. Nobles, deceased, approved 31st December, 1849; read second time and referred to the committee on State Affairs.

A bill appropriating five thousand dollars to pay the contingent expenses of both Houses of the Legislature.

Mr. Fields proposed to amend by striking out \$5000 and inserting \$15,000; carried.

Mr. Burney moved to refer the bill to the committee on Finance; lost.

On motion of Mr. Fields, the bill passed to a third reading.

A bill to amend the 2d section of an act amending an act authorizing the county courts to regulate roads, appoint overseers, &c.; read second time, and referred to the committee on Roads, Bridges and Ferries.

Mr. Speights, chairman of the committee on Engrossed Bills, made the following report:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined the following bills, and find the same correctly engrossed:

A bill to change the name of Gary Ann Bruce.

A bill to amend an act entitled an act to fix the pay and mileage of the members of the Legislature, approved 13th April, 1846; and,

A bill to incorporate the town of Columbus.

A bill supplementary to an act making appropriations to defray expenses of three companies of volunteers called into the service of the State for the protection of the frontier; read first time.

A bill making appropriations for the per diem and mileage pay of the members, and the per diem pay of the officers of the Fifth Legislature; read second time and passed to a third reading.

On motion of Mr. Crosby, Mr. Bee was added to the committees on Public Debt and Federal Relations.

A bill for the relief of J. W. Magoffin and Hugh Stephenson; read first time.

A bill authorizing the Sheriff of Calhoun county to execute deeds in certain cases; read first time.

A bill to amend an act entitled an act to incorporate the city of Brownsville, approved February 7th, 1853; read first time.

A bill to amend the 1st and 7th sections of an act concerning writs of certiorari to Justice's Courts; read first time.

A bill regulating mills and millers; read first time.

A bill more permanently to locate the county site of Cook county; read first time.

A bill granting lands in payment of an allowance or pension granted on 18th December, 1837, to the family of Erastus Smith; read first time.

Mr. Burney in the chair.

A report of the committee on State Affairs, recommending the passage of a bill incorporating the Grand Temple of Honor of the State of Texas, and subordinate Temples under its jurisdiction, was taken up; report adopted and bill passed to a third reading.

Mr. Edwards moved to adjourn until half-past 9 o'clock, to-morrow, A. M.; lost.

On motion, the House adjourned until to-morrow, 25 minutes past 9 o'clock, A. M.

AUSTIN, December 9, 1853.

House met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Wood of L. presented the petition of James W. Taylor; referred to the committee on Private Land Claims No. 2.

Mr. Crawford of W. presented the petition of Sterrett Smith; referred to the committee on Private Land Claims No. 1.

Mr. Cannon presented the petition of Wm. N. Bonner; referred to the committee on Roads, Bridges and Ferries.

Mr. Daniel presented the petition of Jeremiah C. Lynch; referred to the committee on Private Land Claims No. 1.

Mr. Marshall presented the petition of Edwin M. Wilder; referred to the committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Mr. Menifee, chairman of the committee on State Affairs, made the following report:

The committee on State Affairs, to whom was referred a bill entitled an act to regulate election precincts, have had the same under consideration, and have instructed me to report that in the opinion of the committee, the law as it now stands, is sufficient to provide for the subject of the bill, and that therefore it is unnecessary, and the committee recommend that it be indefinitely postponed.

Your committee, to whom was referred the petition of E. A. Osborne, have had the same under consideration, but find nothing in the petition calling for the interference of this House; therefore your committee report the same back to the House and recommend that the same be indefinitely postponed.

Mr. Fields chairman of the committee on Finance, made the following report:

The Finance committee have had under consideration an act to amend the 22d section of an act to provide for the assessment and collection of taxes, approved 11th February, 1850, and deeming the proposed amendment a judicious one, I am instructed to report the bill back without amendment, and recommend its passage. The object of the amendment is to prevent assessors from speculating in county liabilities, by requiring them to report to the county Treasury every three months, in writing, and pay over the amount of money and county liabilities collected by them, stating how much of each, with the names of the persons from whom collected, and fixing a penalty for failing to do so.

Mr. Charlton, chairman of the committee on Public Debt, made the following report:

The committee on Public Debt, to whom was referred the memorial of William Gilmer, have had the same under consideration. The committee are of opinion that the prayer of the memorialist should not be granted, and therefore instruct me to report it back to the House, and recommend that it be rejected.

Mr. Hall, chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, to whom was referred a bill to incorporate the Columbia, Wharton and Austin Railroad Company, have had the same under consideration, and have directed me to report the same back to the House, with the following amendments, and recommend its passage.

Amendments.—Strike out the name of M. Austin Bryan, wherever it occurs in the bill, and insert that of C. R. Patten.

In the 3d section of said bill, strike out the names of all the Commissioners, and insert, "that the Commissioners named in the first section of this act."

BILLS AND RESOLUTIONS.

Mr. Moore of Polk introduced a bill to set apart 1280 acres of land as a home for the Alabama Indians; read first time.

Mr. Darden introduced a bill prescribing the mode of ascertaining and paying certain claims against the late Republic of Texas; read first time.

Mr. Crawford of W. introduced a bill to enable and require overseers of roads to prosecute persons who may alter or obstruct public roads; read first time.

Mr. Bell introduced a bill concerning public sales; read first time.

Mr. Boutland introduced a bill to confirm sales of discharges for bounty land, made by the soldiers composing the late first regiment of infantry of the army of the Republic of Texas; read first time.

Mr. Crawford of W. introduced a bill to prevent slaves from living off the premises of their masters, mistresses, agents or employers; read first time.

Mr. Crawford of W. introduced a bill to amend the first section of an act passed February 5th, 1840, entitled an act concerning slaves; read first time.

Mr. Berry introduced a bill to incorporate the town of McKinney, in Collin county, in the State of Texas; read first time.

Mr. Crawford of W. introduced a bill making appropriations for the payment of a portion of the Public Debt; read first time.

Mr. Witt introduced a bill for the relief of the colonists of Peters' colony; read first time.

Mr. Daniel offered the following resolution:

Resolved, That the Special committee who were appointed to inquire into the propriety of the State providing for the paying and transmission of the mail from Waco to Dallas, be instructed to inquire into the propriety of making similar arrangements for the transmission of mail matter from Anderson, in Grimes county, by way of Centreville, to Fairfield; also, from Springfield to Corsicana.

Mr. Darden proposed to amend as follows:

Also, for carrying the mail from the eastern to the western part of Gonzales county.

Mr. Roberts proposed to amend by adding:

Also, from San Augustine to White Cottage, in Shelby county.

On motion of Mr. Burney, the resolution and amendments were laid on the table.

Mr. Witt introduced a bill for the relief of publishers and editors of newspapers; read first time.

Mr. Witt introduced a bill to incorporate the town of Dallas, in Dallas county; read first time.

A message was then received from his excellency, the Governor.

Mr. Fowler offered the following resolution:

Resolved, That this House inquire into the propriety and expediency of passing a law to prevent members of the Legislature from becoming interested, as agents or attorneys, in claims under consideration against the State.

On motion of Mr. Turner of Rusk, referred to the committee on State Affairs.

Mr. Taylor introduced a bill for the relief of Lieut. A. J. McFarland, and James McFarland, a private member of Captain Lyday's late company of Rangers; read first time.

The hour having arrived, the Special Order of the day for to-day, at 11 o'clock, was taken up.

A message from the Senate, through their Secretary, announcing to the House that that body had passed the following bills:

A bill to incorporate the Texas and Red River Telegraph Company.

A bill confirming certain headright grants of land lying on the boundary of Robertson's colony and Austin's Little colony.

A bill to provide for the construction of the Mississippi and Pacific Railroad.

Also, that Messrs. Gage and Weatherford had been appointed a committee on the part of the Senate, to act with a like committee on the part of the House, to take into consideration the propriety of the Legislature making an appropriation to facilitate the transmission of mail matter from Waco to Dallas.

Mr. Moore of Polk moved to adjourn to 3 o'clock, P. M.

Mr. Hord moved to amend by inserting 9 o'clock, A. M.

Mr. Randolph rose to a point of order: that a motion to adjourn was not amendable.

The Speaker decided that the motion to amend the motion to adjourn was out of order.

Mr. Hord appealed from the decision of the chair. The House sustained the decision of the Speaker.

On motion, the House adjourned to 3 o'clock, P. M.

Pending: Mr. Darden's motion to re-commit the report and resolution on the claim of Chauncy Johnson.

3 O'CLOCK, P. M.

House met—roll called—quorum present.

The question pending when the House adjourned, viz: the motion of Mr. Darden to re-commit the report and resolution of the committee on Public Debt, was again taken up.

On motion the House adjourned until Monday morning, nine o'clock.

AUSTIN, December 12, 1853.

House met pursuant to adjournment—prayer by the Chaplain roll called—quorum present.

The journal of Friday read and adopted.

On motion of Mr. Thorp, Mr. Cone was excused from attendance on the House four days, on account of indisposition.

PETITIONS.

Mr. White presented the petition of Thomas F. McKinney;

referred to the committee on Public Debt, and that portion which refers to land, referred to the committee on Public Lands.

On motion of Mr. Turner of Rusk, Mr. Birdwell was excused from attendance on the House on account of indisposition.

On motion of Mr. Adrian, Mr. Moore of Wood was excused from attendance on the House, on account of indisposition.

Mr. Speights presented the petition of the citizens of Sabine county, in relation to their county seat; referred to the committee on County Boundaries.

Mr. Bourland presented the petition of certain attorneys at law, of the upper Trinity and Red River, praying for a new Judicial District; referred to the Special committee on Judicial Districts.

Mr. Hall presented the petition of sundry citizens of Marshall; referred to the committee on Education.

REPORTS OF STANDING COMMITTEES.

Mr. Palmer, chairman pro tem. of the committee on the Judiciary, made the following report:

Your committee on the Judiciary, to whom was referred a bill to be entitled an act to legitimize Jerome Latham, have considered the same, and instruct me to report it back to the House and recommend its passage.

The committee on the Judiciary, in obedience to a resolution adopted by the House, November 18th, have inquired into and considered the expediency of repealing article 2940 of Hartley's Digest, requiring the appellant or plaintiff in error, to file an assignment of errors in the District Court, and unanimously concur in instructing me to report that this is one of the sound rules of practice which experience has proven should not be changed.

It gives the counsel engaged in any cause, as well as the party at interest, timely notice of the grounds relied upon by the appellant or plaintiff in error, and thereby enables him to meet them upon fair and equal terms, without the necessity of travelling hundreds of miles, at great expense, to the place at which the Supreme Court holds its sessions.

The law is not only a great convenience to the practitioners generally, but is well calculated to promote the ends of justice. Your committee beg leave to report the resolution back to the House, and ask to be discharged from the further consideration of the subject.

The committee on the Judiciary, to whom was referred a bill to be entitled an act to amend the twenty-second section of an act entitled an act to organize the County Courts, of March 16, 1848, have had the same under consideration, and instruct me to report it back to the House, and recommend its passage.

The committee on the Judiciary, to whom was referred a bill to amend an act to organize County Courts, after having the same under consideration, have instructed me to report the same back to the House and recommend its passage.

The committee on the Judiciary, to whom was referred a bill to be entitled an act to incorporate the Red River and Texas Insurance Company, have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

On motion of Mr. Sims, the rule defining the order of business was suspended, and the bill read second time and ordered to be engrossed.

The committee on the Judiciary, having duly considered the bill to be entitled an act to amend the 44th section of an act to organize the District Courts, &c., instruct me to report the same back to the House, and recommend its passage.

Mr. Menifee, chairman of the committee on State Affairs, made the following reports:

referred the petition of T. E. Chimeres, praying for land, passage; report received, and bill read first time.

Your committee, to whom was referred the petition of Joseph F. McDaniel, praying permission to liberate the negro man Henry, and sundry other citizens of Harrison county, praying that Henry be permitted to remain, when so liberated, in this State, have had the same under consideration, and have instructed me to report the following bill and recommend its passage; report received and bill read first time.

The committee on State Affairs, to whom was referred the petition of a large number of the citizens of Harrison county, praying that the woman, Frances, and certain other persons of color, be permitted to remain in this State, have had the same under consideration, and have unanimously agreed to grant the prayer of the petition, so far as to suffer said persons to remain in the said county of Harrison.

Your committee herewith report a bill for the relief of said persons of color, and recommend its passage; report received and bill read first time.

The committee on State Affairs, to whom was referred an act to amend an act regulating estrays, passed 18th day of February, A. D. 1850, have had the same under consideration, and believing that the laws already in force are amply sufficient to meet every case that may arise, they have instructed me to report the same back to the House and recommend its rejection.

The committee on State Affairs, to whom was referred a bill from the Senate, to amend a joint resolution for the relief of the heirs and assignees of Benjamin D. Nobles, deceased, approved December 31st, 1849, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its passage.

The committee on State Affairs, to whom was referred a bill for the relief of Mrs. Sally Owens, have had the same under consideration, and believe the policy of encouraging an increase in our population to be correct; the committee have instructed me to draw up a substitute for the bill and respectfully recommend its passage; report received.

Mr. Charlton, chairman of the committee on Public Debt made the following report:

The committee on Public Debt, to whom was referred the petition of William Sanderson, administrator of Harvey Sanderson, deceased, have had the same under consideration. Your committee are of the opinion that the petitioner's claim is one of that character of claims which has been adjusted and paid in treasury notes of the late Republic of Texas, to the full amount advanced by the said Harvey Sanderson. The committee are of the opinion that it is impracticable and contrary to the true policy of the State to reimburse in such cases. I am therefore instructed by the committee to report against the prayer of the petitioner, and ask its rejection.

The committee further instruct me to report a bill for the relief of the heirs of Harvey Sanderson, deceased, granting to said heirs a donation of a league and labor of land, to be, however, in no wise considered as payment of any just claim that the said Sanderson has against the Republic of Texas, or this State, and respectfully recommend the passage of the same; report received and bill read first time.

Mr. Burney, chairman of the committee on Private Land Claims No. 1, made the following reports:

The committee on Private Land Claims, No. 1, to whom was referred the petition of Samuel G. Norvell, James A. and Dicey Craig, Isaac Waters, and others; also, Jeremiah C. Lynch and Patsy Kitchens, have had the same under consideration, and instruct me to report the same back to the House and recommend their rejection.

The committee on Private Land Claims No. 1, to whom was referred the petition of John N. Rose, have examined the same, and instructed me to report the same back to the House, and ask to be excused from the further consideration of the same.

The committee on Private Land Claims No. 1, to whom was referred a bill for the relief of Peter W. Wagner, have duly considered the same, and have instructed me to report the bill back to the House, without amendment, and recommend its passage.

The committee on Private Land Claims No. 1, to whom was referred the petition of Jacob Craft, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its rejection.

The committee on Private Land Claims No. 1, to whom was referred an act for the relief of the heirs and devisees of Christopher Terrell, deceased, have duly considered the same, and instruct me to report the same back to the House, and ask be excused from the further consideration of the same.

The committee on Private Land Claims No. 1, to whom was referred the petition of Phebe Hamlet, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its rejection.

The committee on Private Land Claims No. 1, to whom was referred the petition of John S. Torrey, have had the same under consideration, and have instructed me to report the accompanying bill, and recommend its passage; report received and bill read first time.

Mr. Whitmore, chairman of the committee on Private Land Claims No. 2, made the following reports:

Your committee No. 2, on Private Land Claims, to whom was referred the petition of the heirs of Samuel Spraug, deceased, praying relief for one-third league of land, as his headright cer-

tificate. Also, that the Adjutant-General be authorized to issue to said heirs six hundred and forty acres donation, and nineteen hundred and twenty as bounty lands, have duly considered the same. The committee are satisfied from the evidence before them, that said petitioners have never received the quantity of land they are entitled to; the committee therefore instruct me to report the bill back to the House, for their relief, and respectfully recommend its passage.

The committee on Private Land Claims No. 2, to whom was referred the petition of John A. Robb, praying relief for three hundred and twenty acres of land, have duly considered the same, and from the evidence before them, are satisfied that said petitioner is not entitled to the relief prayed for in said petition; therefore the committee have instructed me to report the memorial and bill back to the house, and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of John Gorden, praying relief for twelve hundred and eighty acres of land, have duly considered the same, and from the testimony before them, are satisfied he has never received his quantity of land; therefore the committee have instructed me to report the bill and evidence back to the House, and if said petitioner has never received his quantity of land, to recommend its passage.

The committee on Private Land Claims No. 2, to whom was referred the petition of F. Brichta, praying relief for the several parcels of land, to-wit: the headright of David Briderick and R. A. Wishaft, for one-third of a league of land each, and the headright of William Kelly, for six hundred and forty acres, have duly considered the same, and are satisfied, from the evidence, that petitioner is not entitled to the relief prayed for in said petition; the committee therefore instructed me to report the memorials back to the House and ask their rejection.

The committee on Private Land Claims No. 2, to whom was referred the petition of Sarah Tate, praying relief for three-fourths of a league and one labor of land, have duly considered the same, and from the evidence before them, the committee are satisfied that petitioner is not entitled to the relief prayed for; the committee therefore instruct me to report the memorial and evidence back to the House, and ask its rejection.

The committee on Private Land Claims No. 2, to whom was referred an act for the relief of David Andrews, for one league

and one labor of land, have duly considered the same, and for want of testimony in the case, are satisfied that the petitioner is not entitled to any relief; the committee therefore instruct me to report the bill back to the House, and ask its rejection.

Mr. Speights, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined a bill for the relief of John B. Webster.

Also, a joint resolution, instructing our Senators, and requesting our Representatives in Congress, in relation to the claim of Cook and Lockwood.

And a joint resolution instructing our Senators and requesting our Representatives in Congress, relative to a modification of the law establishing the northern boundary of the State of Texas, and find the same correctly engrossed.

Mr. Throckmorton, chairman of the Select committee, made the following report:

The Select committee of both Houses, to whom was referred a resolution, which had for its object the investigation of the necessity of making an appropriation of money for the purpose of transmitting the mail more certainly and speedily from Waco to Dallas, have had the same under consideration, and find that such a necessity does exist.

The committee have instructed me to draw up the accompanying joint resolution, and respectfully recommend its passage; report received, and joint resolution read first time.

BILLS AND RESOLUTIONS.

Mr. Waller introduced a bill for the relief of the heirs and legal representatives of Evan Reed, deceased; read first time.

Mr. Menifee introduced a bill concerning claims against estates of deceased persons; read first time.

Mr. Stapp introduced a bill to provide for the liquidation and payment of the debt of the late Republic of Texas; read first time.

Mr. Fields offered the following resolution;

Resolved, That the Hon. Joseph C. Rushing be entitled to receive his per diem pay from the beginning of the session, having been detained from taking his seat by indisposition.

Mr. Moore of Polk moved to amend by adding the name of Hon. E. A. Palmer; carried.

Resolution as amended, adopted.

Mr. Moore of Polk introduced a bill to establish a system of free common schools; read first time.

Mr. Throckmorton introduced a bill for the relief of John Birth; read first time.

Mr. Laird offered the following resolution:

Resolved, That no person or persons shall be permitted to sell or vend any ardent or spirituous liquors in any of the committee rooms, or other rooms of this Capitol, and in case any person or persons may now be so vending or selling spirituous liquors in said committee rooms of this Capitol, that the Sergeant-at-Arms be required to discharge said person or persons from so selling or vending forthwith, and that the Sergeant at-Arms report any person or persons that refuses to obey such resolution.

Mr. Bourland proposed to refer the resolution to a Select committee; lost.

Mr. Fields proposed to amend by inserting in the place of "discharge," the word "dislodge;" also, add, "nor upon the public square on which the Capitol stands;" accepted.

Mr. Taylor proposed the following substitute for the amendment:

Resolved, That no person be allowed to vend spirituous liquors on the Capitol square; rejected.

Mr. Stapp proposed the following amendment:

By adding for caption, "joint resolution to prevent the sale of spirituous liquors on the Capitol square."

Mr. Reilly offered the following substitute for the resolution and amendment:

Resolved, That the Sergeant-at-Arms is hereby required to dislodge any person or persons using any room or rooms under the control of this House, for purposes not connected with the regular business of the House.

A message was then received from his excellency, the Governor, through his Private Secretary.

On motion, Mr. Reilly's substitute was adopted.

Mr. Throckmorton introduced a bill for the relief of Thomas Samuels, deceased; read first time.

Mr. Fields introduced a bill to prohibit the sale of spirituous liquors upon any of the public grounds belonging to this State; read first time.

Mr. Darden introduced a bill extending the time for issuing unconditional headright certificates; read first time.

Mr. Bourland introduced a bill to provide for the return of

lists of land certificates to the General Landoffice; read first time.

Mr. Bee introduced a bill to amend an act regulating juries; read first time.

Mr. McCulloch introduced a bill for the benefit of Mrs. Mary Upham and her three twin children; read first time.

Also, a bill to provide for the renting and furnishing a house for the Governor, at the city of Austin; read first time.

Mr. Thorp introduced a bill to amend an act entitled an act to raise a revenue by taxation; read first time.

Mr. Crawford of Washington moved a suspension of the rule defining the order of business, and that the Senate's bill to incorporate the Mississippi and Pacific Railroad Company, be taken up: lost.

ORDERS OF THE DAY.

Question pending when the House adjourned on Friday, 9th instant, viz: report and resolution from the committee on Public Debt, was again taken up.

Mr. Travis moved to lay the report and resolution on the table.

Whereupon the yeas and nays were called, and stood thus:

YEAS.—Messrs. Banks, Bee, Bell, Berry, Billingsly, Boon, Burk, Crawford of B., Crosby, Darden, Dooley, Dulany, Edwards, Fields, Holman, Hunt, Kingsbury, Menifee, Palmer, Parsons, Reily, Roberts, Rogers, Schleicher, Stapp, Stout, Stroud, Tait, Thorp, Throckmorton, Travis, Turner of L., Vontress and Waller.—36.

NAYS.—Messrs. Speaker, Adrian, Baylor, Bourland, Brown, Burney, Calvert, Cannon, Charlton, Collier, Crawford of W., Daniel, Ferris, Fowler, Gaston, Hall, Hart, Hicks, Holland, Hord, Laird, Lewis, Loving, Lyday, Mallard, Marshall, Maverick, Muckleroy, McCulloch, Melton of H., Melton of N., Moore of P., Rains, Randolph, Rushing, Shaw, Sims, Speights, Swearingin, Taylor, Turner of R., Walker, White, Whitmore, Wilson, Wiley, Witt, Wood of C., Wood of L. and Wooten.—49.

So the House refused to lay the report and resolution on the table:

Mr. Stapp proposed to amend as follows:

Provided, That nothing contained in the foregoing resolution shall be so construed as to deprive any citizen of this State of the right to apply to the Legislature for redress of grievances, or other purpose, by petition or address, nor shall it be so construed

as to inhibit this or succeeding Legislatures from granting relief to all persons and upon all claims and classes of claims, when the Legislature may consider the same just and equitable demands as against the Republic or State of Texas.

Mr. Waller offered the following as a substitute for the original resolution and amendment:

Be it resolved by the Legislature of the State of Texas, That said State will pay in lands all just claims against it, for losses sustained by the citizens of said State during the war with Mexico, occasioned by our own troops, and that the Judiciary committee are requested to draft a law that will carry out the object of this resolution, laid on the table.

Mr. Whitmore moved the previous question.

A call of the House was ordered.

On motion, a further call was dispensed with.

The yeas and nays being called upon Mr. Whitmore's motion for the previous question, stood thus :

YEAS.—Messrs. Speaker, Adrian, Banks, Bourland, Brown, Burk, Burney, Calvert, Cannon, Charlton, Collier, Daniel, Dulany, Edwards, Ferris, Fowler, Gaston, Hall, Hart, Hicks, Holman, Holland, Laird, Lewis, Loving, Lyday, Mallard, Marshall, Muckleroy, McCulloch, Melton of H., Melton of N., Moore of P., Parsons, Rains, Randolph, Roberts, Rushing, Shaw, Sims, Speights, Stout, Stroud, Swearingen, Taylor, Turner of R., Walker, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—53.

NAYS.—Messrs. Baylor, Bee, Bell, Berry, Billingsly, Boon, Crawford of B., Crawford of W., Crosby, Darden, Dooley, Fields, Hord, Hunt, Kingsbury, Maverick, Menifee, Palmer, Reily, Rogers, Schleicher, Stapp, Tait, Thorp, Throckmorton, Travis, Turner of L., Vontress, Waller and White.—30.

Mr. Wiley was excused from casting his vote.

So the previous question was ordered.

The adoption of the report and resolution being before the House, the yeas and nays were called for, and stood thus :

YEAS.—Messrs. Speaker, Adrian, Banks, Billingsly, Bourland, Brown, Burk, Burney, Calvert, Cannon, Charlton, Crawford of W., Daniel, Dulany, Ferris, Fowler, Gaston, Hall, Hart, Hicks, Holman, Holland, Laird, Lewis, Loving, Lyday, Mallard, Marshall, Maverick, Muckleroy, McCulloch, Melton of H., Melton of N., Moore of P., Palmer, Parsons, Rains, Randolph, Reily,

Rushing, Schleicher, Shaw, Sims, Speights, Stroud, Swearingen, Taylor, Turner of R., Walker, White, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten. — 55.

YAYS.—Messrs. Baylor, Bee, Bell, Berry, Boon, Collier, Crawford of B., Crosby, Darden, Dooly, Edwards, Fields, Hord, Hunt, Kingsbury, Menifee, Roberts, Rogers, Stapp, Stout, Tait, Thorp, Throckmorton, Travis, Turner of L., Vontress, and Waller. — 29.

So the report and resolution were adopted.

Mr. Billingsly moved a suspension of the rule defining the order of business, and that the Senate's bill to incorporate the Mississippi and Pacific Railroad Company be taken up; carried.

On motion, the House adjourned until 3 o'clock, P. M.

Pending : Senate's bill to incorporate the Mississippi and Pacific Railroad Company.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

The Senate's bill to incorporate the Mississippi and Pacific Railroad Company, taken up; bill read first time.

Mr. Crawford of Washington moved a suspension of the rule defining the order of business, and that the bill be read by caption and referred.

On motion, the House adjourned until to-morrow 9 o'clock, A. M.

Austin, December 13, 1853.

House met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Wood of L. presented the petition of John M. Patterson; referred to the committee on Private Land Claims No. 2.

Mr. Billingsly presented the petition of George B. Purman, for relief; referred to the committee on Private Land Claims No. 2.

Mr. Waller presented the petition of the heirs of William S.

Blount, deceased; referred to the committee on Private Land Claims No. 1.

Mr. Vontress presented the petition of sundry citizens of Williamson county, for the relief of Jesse Wooten; referred to the committee on State Affairs.

Mr. Banks presented the petition of J. Miner, for 640 acres of land; referred to the committee on Private Land Claims No. 2.

Mr. Banks presented the petition of John Frederick; referred to the committee on Finance.

Mr. Rains presented the petition of John Garner; referred to the committee on Private Land Claims No. 1.

Mr. Waller presented the petition of Randall Jones; referred to the committee on Private Land Claims No. 1.

Mr. Randolph presented the petition of Thomas Denson; referred to the committee on Private Land Claims No. 1.

Mr. Waller presented the petition of John Bachman; referred to the committee on Private Land Claims No. 1.

Mr. Witt presented the petition of N. T. Byars; referred to the committee on State Affairs.

Mr. Palmer presented the petition of E. S. Perkins; referred to the committee on Public Debt.

REPORTS OF STANDING COMMITTEES.

Mr. Palmer, chairman of the committee on the Judiciary, pro tem., made the following report:

I am instructed by a resolution passed at a former meeting of the Judiciary committee, to report that on last evening the following members of the Judiciary committee met at the committee room pursuant to last adjournment, and notice given in the House, to wit: Messrs. Dooly, Moore of Polk, Lewis, Maverick, Berry, Vontress and Palmer, and that the following gentlemen were absent, to wit: Messrs. Crosby, Hord, Waller, Wiley, Ferris, Rushing, Turner and Mallard. And it appearing that no quorum was present, the committee adjourned to meet at the committee room on Wednesday night, the 14th instant, at 7 o'clock.

Mr. Menifee, chairman of the committee on State Affairs, made the following report:

Your committee, to whom was referred the petition of E. M. Wilder, praying to be allowed to retain for the use and benefit of his son, William J. E. Wilder, the sum of two hundred dollars,

left to the said William by the noncompetitive will of Samuel Gray, made while in the United States service in the Mexican war, but the complete evidence of which, owing to the death of two of the witnesses, could not be produced in court so as to admit the same to probate, according to the usual mode established by law, have had the same under consideration, and have instructed me to report the accompanying bill and recommend its passage; report received and bill read first time.

Mr. Fields, chairman of the committee on Finance, made the following report:

The Finance committee have had under consideration a bill to amend an act to raise a revenue by taxation, approved February 11th, 1850, and a resolution relating to the same subject, and I am instructed by a majority of the committee to report said bill back and recommend its rejection, and that the committee be discharged from any further consideration of the subject.

Mr. Randolph, chairman of the committee on Education, made the following report:

The committee on Education, to whom was referred an act relating to the Chappell Hill Institute, have had the same under consideration, and I am instructed to report the same back to the House and recommend its passage, with the following amendments, viz:

Strike out all after the word "Institute" in the 10th line, to the word "for" in the 12th line, and insert "four certificates for one league of land each."

Mr. Rains, chairman of the committee on Claims and Accounts, made the following reports:

The committee on Claims and Accounts, to whom was referred the memorial of Robert Wilson, have duly considered the same, and they have instructed me to report against the claim contained in said memorial and ask its rejection.

The committee on Claims and Accounts, to whom was referred the account of S. M. Swenson, amounting to \$467.35, principally for storage on furniture for the capitol of this State, have had the same under consideration.

By reference to an act approved February 14th, 1852, we find that the sum of twenty-five thousand dollars was appropriated to furnish said capitol with such furniture as may be necessary, and

your committee do not feel authorized to recommend any appropriation beyond that sum for the purpose aforesaid, and therefore ask that the claim be rejected, and the committee discharged from any further consideration of the same.

Mr. Burney, chairman of the committee on Private Land Claims No. 1, made the following report:

The committee on Private Land Claims No. 1, to whom was referred the petition of J. D. Smith, have duly considered the same, and instruct me to report the accompanying bill for his relief, and recommend its passage; report received and bill read first time.

Mr. Whitmore, chairman of the committee on Private Land Claims No. 2, made the following reports:

Your committee on Private Land Claims No. 2, to whom was referred the petition of David Munnford, praying relief for 320 acres of land for his services in the army of Texas. The committee have duly considered the same, and from the evidence before them, are satisfied that the petitioner is entitled to the relief prayed for in said petition. The committee therefore instruct me to report the bill back to the House for his relief, and respectfully recommend its passage.

Your committee on Private Land Claims No. 2, to whom was referred the petition of F. Brichta, for the relief of George Brown, for one-third of a league of land, have duly considered the same, and from the fact that certificate No. 685 was taken out by an agent when the law requires it to be done in person, and from the refusal of the traveling board to acknowledge its validity, the committee therefore instruct me to report the memorial back to the House and ask its rejection.

BILLS AND RESOLUTIONS

Mr. Crawford of W. introduced a bill to amend an act to define the time of holding District Courts in the 3d and 13th Judicial Districts; read first time.

Mr. Burk introduced a bill for the relief of Jacob Crawford; read first time.

Mr. Palmer offered the following resolution:

Resolved, That a committee of three be appointed by the Speaker, to confer with a like committee on part of the Senate, relative to the amendment adopted by the Senate to the bill of the House to incorporate the Texas and Red River Telegraph

Company, and that the appointment of a like committee be requested of the Senate; adopted.

The following members were appointed said committee:

Messrs. Palmer, Shaw and Hart.

Mr. Calvert introduced a bill for the relief of the heirs of Francis M. Litton; read first time.

Mr. McCulloch introduced a bill reviving the Boards of Land Commissioners; read first time.

Also, a bill to prevent Mexicans from keeping negro women, slaves, as wives; read first time.

Mr. Bell introduced a bill for the relief of Wm. E. Howth; read first time.

Mr. Palmer introduced an act supplementary to an act regulating lost certificates of public debt of the late Republic of Texas; read first time.

ORDERS OF THE DAY.

Question pending when the House adjourned on yesterday, viz: Mr. Crawford's of W. motion to suspend the rule defining the order of business, that the Senate's bill to incorporate the Mississippi and Pacific Railroad Company be referred to the committee on Internal Improvements.

Mr. Crawford withdrew his motion to refer.

Mr. Palmer moved a suspension of the rule defining the order of business, and that a bill setting apart two millions as a special school fund, be taken up; lost.

On motion of Mr. Crawford of W., the rule defining the order of business was suspended, and the Senate's bill to incorporate the Mississippi and Pacific Railroad Company was taken up.

Mr. Billingsly moved to have the bill read by caption, and referred to the committee on Internal Improvements.

Mr. Stout proposed to amend by ordering the printing of 200 copies of the bill; accepted.

The reading of the bill was called for.

A message was received from the Senate, through their Secretary, informing the House that the Senate had passed the following bills:

A bill for the relief of Larkin Adamson, with amendments.

A bill to establish the Christian Sabbath, and to prevent vice and immorality on the same.

A bill to amend an act organizing county courts, approved March 16th, 1848.

A bill to amend the 22d section of an act to regulate Railroad companies, approved February 7, 1853.

A bill to amend the 31st and 64th sections of an act to organize Justice's Courts and define the powers and jurisdiction of the same, approved March 20th, 1848.

A bill relating to surveys of land in certain cases.

A bill to incorporate Aranama College.

Also, that the Senate had appointed Messrs. Holland, Durst, Allen, Sublett and Scarborough, a committee on part of the Senate to make arrangements for the inauguration of the Governor and Lieutenant-Governor elect, and request the appointment of a like committee on the part of the House.

Mr. Bourland moved that the bill be made the special order of the day for Friday next, at 11 o'clock, and that 200 copies be printed.

Mr. Stapp moved to amend by striking out Friday 11 o'clock, and inserting Monday; rejected.

Mr. Stapp proposed to insert Saturday instead of Friday; lost.

On motion, the bill was made the special order of the day for Friday next at 11 o'clock, and 200 copies ordered to be printed.

On motion of Mr. Edwards, the rule defining the order of business was suspended, and a bill to set aside \$2,000,000 as a special school fund, was taken up.

On motion, the House adjourned until 3 o'clock, P. M.

Pending: bill to set aside \$2,000,000 as a Special School Fund.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

Question pending when the House adjourned, viz: a bill to set apart \$2,000,000 as a Special School Fund, with a substitute, taken up.

Mr. Palmer moved the adoption of the substitute.

Mr. Stapp proposed to amend as follows:

Insert "now remaining in the Treasury of the United States."

Mr. Stout moved to lay the bill, substitute and amendment on the table, whereupon the yeas and nays were called for and stood thus:

YEAS.—Messrs. Speaker, Adrian, Baylor, Bell, Berry, Billingsly, Boon, Bourland, Brown, Charlton, Daniel, Dulany, Hart, Hord, Laird, Lyday, Muckleroy, Meniffee, Moore of W.,

Rains, Sims, Stapp, Stout, Tait, Taylor, Thorp, Turner of R., Walker, Wiley, Wood of C. and Wooten.—31.

NAYS.—Messrs. Banks, Bee, Burk, Calvert, Cannon, Collier, Crawford of B., Crawford of W., Darden, Dooly, Edwards, Fowler, Gaston, Hall, Hicks, Holman, Holland, Kingsbury, Loving, Mallard, Marshall, Maverick, McCulloch, Melton of H., Melton of N., Moore of P., Palmer, Parsons, Randolph, Reily, Roberts, Rogers, Rushing, Schleicher Shaw, Speights, Stroud, Swearingen, Throckmorton, Travis, Turner of L., Vontress, Waller, White, Whitmore, Wilson, Witt and Wood of L.—48.

The amendment offered by Mr. Stapp being before the House, the yeas and nays were called for and stood thus :

YEAS.—Messrs. Speaker, Baylor, Bell, Billingsly, Boon, Burney, Charlton, Daniel, Dulany, Lewis, Menifee, Rains, Sims, Stapp, Taylor, Travis, White and Wood of L.—18.

NAYS.—Messrs. Adrian, Banks, Bee, Berry, Bourland, Brown, Burk, Cannon, Collier, Crawford of B., Crawford of W., Darden, Dooly, Edwards, Fowler, Gaston, Hall, Hart, Hicks, Holman, Holland, Hord, Kingsbury, Laird, Loving, Mallard, Marshall, Maverick, Muckleroy, McCulloch, Melton of H., Melton of N., Moore of P., Moore of W., Palmer, Parsons, Randolph, Reily, Roberts, Rogers, Rushing, Schleicher, Shaw, Speights, Stout, Stroud, Swearingen, Tait, Thorp, Throckmorton, Turner of L., Turner of R., Vontress, Walker, Waller, Whitmore, Wilson, Wiley, Witt, Wood of C., and Wooten.—61.

So the amendment was rejected.

Mr. Taylor offered the following as a substitute to the 3d section of the substitute :

SECTION 3. That said two millions of dollars in indemnity bonds of the United States, set apart by the 1st section of this act, shall remain in the Treasury of the State, credited to the Special School Fund, but in no case shall the principal of said fund be used until after the expiration of the time which said bonds have to run to reach maturity.

On motion, the House adjourned until to-morrow, 9½ o'clock, A. M.

Pending : substitute of Mr. Taylor to the 3d section of a substitute to a bill setting apart \$2,000,000 as a Social School Fund.

AUSTIN, December 14, 1853.

House met pursuant to adjournment—prayer by Rev. Mr. Phillips—roll called—quorum present.

The journal of yesterday read and adopted.

On motion of Mr. Stapp, the rule defining the order of business was suspended, and the House proceeded to take up the business on the Speaker's table.

The question pending when the House adjourned yesterday, viz: the substitute offered by Mr. Taylor for the 3d section of the substitute for the original bill was taken up.

Mr. Crawford of B. moved to lay the substitute offered by Mr. Taylor on the table; whereupon the yeas and nays were called, and stood thus:

YEAS.—Messrs. Banks, Bell, Berry, Burk, Burney, Calvert, Cannon, Crawford of W., Crawford of B., Dooly, Dalany, Edwards, Fields, Gaston, Hall, Hicks, Holman, Holland, Hunt, Laird, Mallard, Marshall, Maverick, McCulloch, Meniffee, Palmer, Parsons, Randolph, Reily, Rogers, Rushing, Schleicher, Shaw, Stroud, Swearingen, Throckmorton, Turner of L., Vontress, Waller, White and Wilson—41.

NAYS.—Messrs. Speaker, Adrian, Baylor, Billingsly, Birdwell, Boon, Bourland, Brown, Charlton, Collier, Crosby, Daniel, Fowler, Hord, Kingsbury, Lewis, Loving, Lyday, Muckleroy, Melton of H., Melton of N., Moore of P., Moore of W., Rains, Sims, Speights, Stapp, Stout, Taylor, Thorp, Travis, Turner of R., Whitmore, Wiley, Witt, Wood of C., Wood of L. and Wooden.—38.

So the substitute was laid on the table.

A message was received from the Senate, through their Secretary, informing the House that the Senate had passed the following bills:

A bill to relinquish to the inhabitants of Ysleta, in El Paso county, a certain tract adjoining the town tract, now held and owned by said inhabitants.

A bill authorizing two copies of the seal of the Supreme Court to be made for the use of said Court.

A bill for the relief of the inhabitants of the town of Ysleta, in the county of El Paso.

A bill to incorporate the Linden Male and Female Academy and Masonic Hall.

On motion, the House adjourned until to-morrow, 9 o'clock, A. M.

Pending: a substitute to a bill setting apart two millions of dollars as a Special School Fund.

AUSTIN, December 15, 1853.

House met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present,
Journal of yesterday read and adopted.

PETITIONS.

Mr. Melton of N. presented the petition of William M. Love; referred to the committee on Private Land Claims No. 1.

Mr. Randolph presented the petition of Geo. W. Hallmark, executor of George Hallmark, deceased; referred to the committee on Public Debt.

Mr. Daniel presented the petition of Thomas Johnson; referred to the committee on Private Land Claims No. 1.

Mr. Lewis presented the petition of Paulina Francois and Rose Francois, heirs of Sebastin Francois; referred to the committee on Private Land Claims No. 2.

Mr. Banks presented the following petitions:

The petition of the heirs of Richard Connell; referred to the committee on Private Land Claims No. 1.

The petition of John J. Grumbles and other citizens of Travis county; referred to the committee on Public Lands.

Mr. Waller offered an excuse for non-attendance on Judicial committee, which was received by the House.

On motion of Mr. Palmer, Mr. Rushing was excused from attendance on the Judicial committee, on account of indisposition.

REPORTS OF STANDING COMMITTEES.

Mr. Palmer, chairman pro tem. of the committee on the Judiciary, made the following reports:

The committee on the Judiciary, to whom was referred a bill to be entitled an act to declare legal evidence in the courts of this State the abstract of certificates recommended as genuine by the Boards of Traveling Commissioners, heretofore published by authority of the Commissioner of the General Landoffice, have had the same under consideration, and instruct me to report it back to the House, and recommend its passage with the following amendments:

Strike out the "board heretofore," wherever it appears in the bill, and insert after the word competent in the 5th line from bottom, "prima facia."

The committee on the Judiciary, to which was referred the

question as to the constitutionality of a bill to be entitled an act for the relief of John M. Bevins, sheriff of Red River county, instruct me to report that having carefully considered the same, a majority of the committee feel fully convinced that the relief provided for in the bill is positively prohibited by section 7th of the Constitution. The reading of this section is so plain and palpable, that your committee deem it unnecessary to undertake to give any further reason in support of the conclusion to which it has come, save a simple reference to the provision itself. Your committee therefore report the bill back to the House and recommend its indefinite postponement.

The committee on the Judiciary, to which was referred a bill to be entitled an act to abolish implied or secret liens on real estate, having duly considered the same, instruct me to report it back to the House, and recommend its indefinite postponement.

The Judiciary committee having duly considered a bill to be entitled an act to change the name of Elizabeth Jane Sinclair to Elizabeth Jane Hampton, and to authorize John C. Hampton to adopt her as his child, instruct me to report the same back to the House and recommend its passage.

The committee on the Judiciary, in obedience to a resolution adopted by the House, November 18th, have inquired into the propriety of amending the 14th section of an act regulating proceedings in the district courts, so that sheriffs may execute writs on citations by leaving copies thereof, with copies of the petitions, at the residence of defendants, with any white member of the family over the age of 14 years, and also into the propriety of changing the mode of executing subpoenas, instruct me to report that such changes are at present deemed wholly unnecessary and inexpedient.

The committee therefore return the resolution to the House, and ask to be discharged from the further consideration of the same.

The committee on the Judiciary, to whom was referred a bill to amend the acts of limitation, having duly considered the same, instruct me to report it back to the House and recommend its passage.

The following notice was given to the House by Mr. Palmer, chairman pro tem. of the Judiciary committee:

The committee on the Judiciary met pursuant to adjournment and previous notice, on last evening. The following gentlemen

were absent: Messrs. Crosby, Hord and Waller. The committee adjourned to meet at the new Capitol on Friday night, the 16th instant.

Mr. Menifee, chairman of the committee on State Affairs, made the following reports:

The committee on State Affairs, to whom was referred a resolution requiring them to take into consideration the necessity of passing a law to prevent persons from cutting and removing timber from the school lands of the State, have maturely considered the subject, and have instructed me to report that upon examination, they are of the opinion that the law as it now stands is amply sufficient for the protection of the interests of the State, provided the same is duly administered in its true spirit; and as such the committee believe that further legislation upon the subject is entirely unnecessary; they therefore instruct me to return the resolution to the House, and ask to be discharged from its further consideration.

The committee on State Affairs, to whom was referred the petition of sundry citizens of the county of Williamson, praying relief for Jesse Wootton, for the reason as set forth in said petition, that said Wootton is a cripple for life, and that he became so by accident, have had the same under consideration, and have instructed me to report that in the opinion of the committee, that according to the laws now in force, it is made the duty of each county to provide for the maintenance of those within its limits who are unable to support themselves, and the committee are unwilling to relieve the counties from that duty by making an appropriation from the public treasury of the State for that purpose. The committee therefore return the petition to the House and ask to be discharged from its further consideration.

The committee on State Affairs, to whom was referred a bill entitled an act supplementary to an act entitled an act to perfect titles in Castro's Colony, have had the same under consideration, and have instructed me to report a substitute for the bill and recommend its passage.

Mr. Fields, chairman of the committee on Finance, made the following report:

The Finance committee have had under consideration a bill relinquishing to the counties the State tax for the years 1854 and 1855, together with petitions on the same subject from citizens of Sabine and Grayson counties, and I am instructed by a majority

of the committee to recommend the passage of the bill with certain amendments noted below.

The committee are of the opinion that no better use can be made of the amount by this bill relinquished, than thus to aid the counties and leave the money in circulation. It is deemed bad policy to take money from the pockets of the people to be locked up in the State Treasury; the amount of actual cash now in the Treasury (nearly \$400,000) together with accruing interest upon \$3,628,000 of United States bonds, is deemed sufficient to support the Government, and pay the outstanding debt for which appropriations have already been made, or will likely be made during the present session. But should an additional sum be needed to meet appropriations for the payment of any portion of the public debt, a further sale of bonds can be effected, which it is presumed the Legislature will provide for, in case additional payment of public debt should be ordered. All which is respectfully submitted.

Amend 1st section by striking out the proviso. Strike out both provisos in 3rd section and insert—provided, said assessors and county treasurers shall collect and account for gold and silver only.

Mr. Turner of Lavaca, chairman of the committee on County Boundaries, made the following reports, to wit:

The committee on County Boundaries, to whom was referred an act supplementary to an act to create the county of Trinity approved February 11th, A. D. 1850, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House, without amendment, and recommend its passage.

The committee on County Boundaries, to whom was referred the petition of sundry citizens of Sabine county in relation to the removal of their county seat, have had the same under consideration, and have instructed me to report that it is the opinion of the committee that the petitioners have their remedy in the law providing for the removal of county seats of justice, passed May 11th, 1838. The committee have instructed me to report the same back to the House and ask to be discharged from its further consideration.

Mr. Burney, chairman of the committee on Private Land Claims No. 1, made the following reports:

The committee on Private Land Claims No. 1, to whom was referred the petition of Isaac and Rhody Walters, have consider-

ed the same, and instruct me to report the same back to the House and recommend its rejection.

The committee on Private Land Claims No. 1, to whom was referred the petition of Ganett Fitzgerald have duly considered the same, and instruct me to report the accompanying bill for his relief, and recommend its passage; report received, bill read first time.

Your committee on Private Land Claims No. 1, to whom was referred the petition of A. S. Ruthven, have duly considered the same, and instructed me to report the accompanying bill for his relief, and recommend its passage; report received, bill read first time.

The committee on Private Land Claims No. 1, to whom was referred the petition of Wm. G. Miller, have duly considered the same, and instruct me to report the accompanying bill for his relief, and recommend its passage; report received and bill read first time.

The committee on Private Land Claims No. 1, to whom was referred the petition of Thomas and Beriah Graham, have had the same under consideration, and instruct me to report the accompanying bill for their relief, and recommend its passage; report received, and bill read first time.

Mr. Whitmore, chairman of the committee on Private Land Claims No. 2, made the following reports:

Your committee on Private Land Claims No. 2, to whom was referred the petition of John M. Patterson, praying for relief for land, as a colonist, have duly considered the same, and from the evidence before them are satisfied that the petitioner is not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the memorial back to the House, and recommend its rejection.

Your committee on Private Land Claims No. 2, to whom was referred the petition of J. Miner, praying relief for six hundred and forty acres of land, have duly considered the same, and from the evidence before them are satisfied that petitioner is not entitled to the relief prayed for in said petition. The committee therefore instruct me to report the memorial back to the House and ask its rejection.

Mr. Randolph, chairman of the committee on Education, made the following report:

Your committee to whom was referred the petition of sundry citizens of Marshall and Harrison county, praying the Legislature to extend relief to the Marshall Masonic Female Institute, have had the same under consideration, and consider the memorial well worthy the favorable consideration of this body, and have instructed me to report the accompanying bill and recommend its passage; report received and bill read first time.

Mr. Speights, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined a bill to incorporate the Red River and Texas Insurance Company, and find the same correctly engrossed.

BILLS AND RESOLUTIONS.

Mr. Moore of Polk introduced a bill for the relief of C. J. Fields; read first time.

Mr. Darden introduced a bill granting pensions to all who were permanently disabled in the wars and Indian campaigns of the late Republic of Texas; read first time.

Mr. Travis offered the following resolution:

Resolved, That the Speaker appoint a committee of seven to act with a like committee already appointed on the part of the Senate to make suitable arrangements for the inauguration of the Governor and Lieutenant-Governor.

The following members were appointed said committee:

Messrs. Travis, Bee, McCulloch, Bourland, Charlton, Holland and Lewis.

Mr. Mallard introduced a bill to reduce to one and amend the several acts granting pre-emption privileges to actual settlers on the public domain; read first time.

Mr. Crosby introduced a joint resolution relating to the appointment of a Special Indian Agent; read first time.

Mr. Maverick introduced a bill for the relief of Peter Gallaher and legal representatives of Archibald Fitzgerald; read first time.

On motion of Mr. Banks, Mr. Schleicher was added to the committee on Public Buildings.

On motion of Mr. Hall, leave of absence was granted to Mr. Waller until 27th instant.

On motion of Mr. Burney, Mr. Ferris was excused from attendance on the House, from indisposition.

Mr. Banks moved that the rule defining the order of business

be suspended, and that the report of the committee on Claims and Accounts, on the account of S. M. Swenson be taken up; carried.

On motion of Mr. Stapp, the report was laid on the table, and Mr. Banks granted leave to withdraw from said report the account of S. M. Swenson.

Mr. Billingsly asked and obtained leave to withdraw the account of Chauncy Johnson from the report of the committee on Public Debt, upon said account.

ORDERS OF THE DAY.

Question pending when the House adjourned yesterday, viz: substitute to a bill setting aside \$2,000,000 as a Special School Fund, was taken up.

Mr. Charlton in the chair.

A message was received from the Senate, through their Secretary, announcing to the House that the Senate had passed the following bills:

A bill to incorporate San Antonio Lodge No. 14, I. O. O. F.

A bill regulating Justice's Courts in the city of San Antonio.

A bill to provide for the sale of the furniture of the old Capitol, and the boxes which contained the new furniture.

A bill to provide for the erection and furnishing a residence and out-buildings for the Governor of the State of Texas.

A bill donating to actual settlers on vacant public domain 160 acres of land.

A bill for the relief of Richard M. Collins.

A bill to incorporate Anson Lodge No. 29, I. O. O. F., with amendments.

Also, a bill to incorporate Mound Prairie Institute, with amendments.

A bill authorizing the Commissioner of the General Land-office to appoint additional Draftsmen and Assistant Clerks to his department, and to fix the salaries of the Commissioner and all under his control; and

A bill for the relief of America Elkins.

Mr. White offered an amendment.

On motion, the House adjourned until 3 o'clock, p. m.

Pending: amendment proposed by Mr. White to a substitute for a bill setting apart \$2,000,000 as a Special School Fund.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

Question pending when the House adjourned, viz : amendment proposed by Mr. White to a substitute for a bill setting apart \$2,000,000 as a Special School Fund, taken up.

Mr. Crawford of W., chairman of the committee on Enrolled Bills, made the following report :

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined the following bills, and find them correctly enrolled, viz :

An act to incorporate Linden Male and Female Academy and Masonic Lodge.

An act authorizing two copies of the seal of the Supreme Court to be made for the use of said Court; and,

An act for the relief of America Elkins.

They have also secured the signature of the Speaker of the House and the President of the Senate to each bill, and have this day deposited each of them with the Governor for his consideration.

G. W. CRAWFORD, Chairman.

Report accepted.

Mr. Wood of Cass moved to lay the bill and substitute on the table.

Whereupon the yeas and nays were called and stood thus :

YEAS.—Messrs. Speaker, Adrian, Billingsly, Birdwell, Boon, Brown, Charlton, Collier, Crosby, Daniel, Dulany, Fowler, Hord, Laird, Lewis, Loving, Lyday, Muckleroy, Menifee, Melton of H., Melton of N., Moore of P., Moore of W., Rains, Sims, Speights, Stapp, Stout, Stroud, Tait, Taylor, Turner of R., Vontress, Walker, White, Whitmore, Wilson, Wiley, Wood of C., Wood of L. and Wooten.—41.

NAYS.—Messrs. Banks, Baylor, Bee, Berry, Burk, Burney, Calvert, Cannon, Crawford of B., Crawford of W., Darden, Dooly, Edwards, Fields, Gaston, Hall, Hicks, Holman, Holland, Mallard, Marshall, Maverick, McCulloch, Palmer, Parsons, Randolph, Reily, Roberts, Rogers, Rushing, Shaw, Swearingen, Throckmorton, Turner of L. and Witt.—35.

Motion carried.

The following communications from his excellency, the Governor, were then taken up:

EXECUTIVE DEPARTMENT, STATE OF TEXAS,
AUSTIN, December , 1853.

*To the Honorable the Senate
and House of Representatives:*

GENTLEMEN: Accompanying this, I have the honor to transmit a joint report of the Auditor and Comptroller of the State, made in conformity with the requirements of an act of the Legislature, approved March 28th, 1848, as extended by the act of February 7th, 1853, and respectfully recommend to your careful consideration the several subjects therein contained.

JAMES W. HENDERSON.

Communication and accompanying documents referred to the committee on State Affairs.

EXECUTIVE DEPARTMENT, STATE OF TEXAS,
AUSTIN, Dec. 12, 1853.

*To the Honorable the Senate
and House of Representatives:*

GENTLEMEN: I have the honor to transmit herewith, the annual report of the Attorney-General of the State, required by the act of May 11th, 1846, and respectfully recommend it to the consideration of your honorable bodies.

JAMES W. HENDERSON.

Accompanying documents referred to the committee on State Affairs.

EXECUTIVE DEPARTMENT, STATE OF TEXAS,
AUSTIN, December 12, 1853.

*Gentlemen of the Senate
and House of Representatives:*

GENTLEMEN: Eli Kirk, Esq., the agent for the purchase of the furniture of the State Capitol, has presented at this department three accounts, herewith submitted, and respectively marked A., B. and C., requesting the approval of the Executive.

In view of the fact that the sum the Legislature appropriated for the purchase of this furniture is already exhausted, and also, that these accounts contain certain items of a claim set forth by Mr. Kirk for advances made by himself to complete these purchases, as well as services extraneous to his duties as agent, of all

which this department has not the ability to properly consider and decide upon, it is therefore transferred to your honorable bodies, in order that such action may be taken in reference to the subject, as may be deemed most advisable, and that an appropriation to meet the contingency may be made.

JAMES W. HENDERSON.

Accompanying documents referred to the committee on Claims and Accounts.

On motion, the House adjourned until to-morrow 9 o'clock, A. M.

AUSTIN, December 16, 1853.

House met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Wood of Leon presented the petition of C. C. Goodman, praying relief; referred to the committee on Public Lands.

Mr. Calvert presented the petition of Breton Dawson, praying relief; referred to the committee on Public Debt.

Mr. Calvert also presented the petition of Bedin Stroud; referred to the committee on Public Debt.

Mr. Calvert also presented the petition of Ethan Melton; referred to the committee on Public Debt.

Mr. Calvert also presented the petition of Ethon Melton, administrator of J. M. Tedwell; referred to the committee on Public Debt.

Mr. Edwards presented the petition of Ferdinand Niggle; referred to the committee on the Judiciary.

Mr. Palmer presented the petition of John R. Slocumb, to change the name of Riley Legett; referred to the committee on the Judiciary.

Mr. Hord presented the petition of Thomas T. Smith, and others; referred to the committee on Private Land Claims No. 1.

REPORTS OF STANDING COMMITTEES.

Mr. Marshall, one of the committee on State Affairs, made a report, with a bill accompanying, relative to Banks; objection having been made to the report, and pending the question to

reject, Mr. Marshall asked and obtained leave to withdraw the same.

Mr. Randolph, chairman of the committee on Education, made the following report :

The committee on Education, to whom was referred a bill to establish a system of common schools, and a bill to be entitled an act to establish a system of Free Common Schools, have had the same under consideration, and I am instructed by a majority to report the accompanying substitute for said bills, and earnestly recommend its passage.

Owing to a contrariety of opinion in the committee in arranging the details of a system, and in order to harmonize the conflicting views of the committee, they have given the subject more than ordinary consideration. It has been a work of much labor to present such a plan as would not only receive the sanction of a majority of the committee, but meet the approbation of the House. The committee do not flatter themselves that the substitute proposed is perfect, or that it will receive the entire sanction of the House ; indeed such a conclusion would be visionary. Imperfect as it may be found, and unsatisfactory as it may prove, your committee earnestly recommend it to your favorable consideration. It will not be contended that a system of public instruction can be established at once, perfect in all its minutiae. It is necessary that we make a beginning. The country demands it, and our Constitution devolves the duty upon us. Let us, then, not shrink from the performance of our duty, and after experience demonstrates that the system is defective or impracticable, then the succeeding legislature can amend or abolish the same, as to them may seem proper and right.

The sparseness of our scholastic population has been urged as an objection to the measure. To a superficial observer, this objection would have some force. But upon a thorough investigation, the committee feel satisfied that the objection is not tenable. The facts collected from the statistics of other States prove the contrary. The States of Iowa, Wisconsin and California have in successful operation systems of Common Schools.

The scholastic population of these States is not as condensed as that of Texas. And while we are quibbling about trifles, they have their schools in the "full tide of successful experiment." Let the sceptic examine the statistics of those States and be convinced, or base their opposition on other grounds. Texas has ample means—this none dare deny. The State of New York has about eight hundred thousand dollars as a school fund for

distribution annually, and yet we see common schools all over the State. We see the same thing elsewhere, with less means; and will Texas be behind her sister States in setting apart means and providing a system of instruction suited to the wants of her people? Your committee think not. New York furnishes thirty-three cents annually, for each child, while Texas can well afford to contribute ten or fifteen times as much. But, says the objector, the time has not arrived. When will it arrive? Never, we say, with such advocates of education.

Let us arouse to a sense of our duty, and "unfurl the banner to the breeze," and inscribe thereon "Education free to all."

Your committee believe the common school system is wisely adapted to secure that equality which acknowledges no superiority but that of intellectual attainments and moral worth. It is in such schools that the humblest child of poverty may receive an ample education, and aspire to the highest honors in church or State.

In these schools all, however lowly their lot, may have equal advantages with the votaries of wealth, and we are rejoiced to see the growing interest manifested by the people of Texas, in the cause of education. In a free country, like ours, it is essential that our children be well educated, without any discrimination between the rich and the poor.

Your committee are satisfied that the "feelings and good will of the people are enlisted, and the power, and the same law of progress which pervades the world in every other department, should be made to guide and govern in this," and when we shall have put in successful operation such a system of public instruction as may be adapted to our wants, then, and not till then, can we unite with others in saying, "that it is a source of gratification, not only to parents, but also to teachers, to know that their scholars are progressing; that instead of dreading the school room, and sinking into intellectual apathy, they hastily repair to the shades of their own academy, where they undergo a course of healthy intellectual training—where the power of mind and the glory of humanity are daily marshalled, and drawn out in their full proportion—where a firm and reliable basis is laid, upon which to build a moral and literary character. We must emulate! It is a duty we owe to ourselves and our God; our political and religious institutions demand it of us imperatively; and when once the proper method is pursued, this duty becomes a consistent element of our happiness."

C. H. RANDOLPH, Chairman.

On motion of Mr. Parsons, 200 copies of the substitute were ordered to be printed.

Mr. Moore of Polk moved a suspension of the rule defining the order of business, that the report and bill be the special order of the day for Wednesday next; lost.

Mr. Burney, chairman of the committee on Private Land Claims No. 1, made the following reports:

The committee on Private Land Claims, No. 1, to whom was referred the petition of Thomas Denson, have had the same under consideration, and I am instructed to report the accompanying bill for his relief, and recommend its passage; report received and bill read first time.

The committee on Private Land Claims No. 1, have had under consideration the petition of G. Clinton Fraley, Charles Tyding, William Sparvin and J. C. Phelan, and have instructed me to report the accompanying bill and recommend its passage; report received a bill read first time.

The committee on Private Land Claims No. 1, to whom was referred the petition of the heirs of Wm. S. Blount, have considered the same, and have instructed me to report the accompanying bill and recommend its passage; report received and bill read first time.

BILLS AND RESOLUTIONS.

Mr. Crawford of Washington offered the following resolution:

Resolved, That the committee on the Judiciary be and they are hereby required to inquire into the necessity of calling a convention to remodel the State Constitution, and that they report by bill or otherwise, at as early a day as practicable.

Mr. Ferris moved to lay the resolution on the table, whereupon the yeas and nays were called, and stood thus:

YEAS.—Messrs. Speaker, Adrian, Banks, Bee, Bell, Birdwell, Boon, Brown, Burney, Cannon, Charlton, Crawford of B., Ferris, Fields, Fowler, Gaston, Hall, Holman, Holland, Kingsbury, Laird, Loving, Lyday, Mallard, Marshall, Muckleroy, Menifee, Melton of H., Melton of N., Moore of W., Palmer, Rains, Randolph, Reily, Roberts, Rogers, Rushing, Shaw, Sims, Speights, Stapp, Stout, Stroud, Swearingen, Tait, Thorp, Travis, Turner of L., Walker, Waller, White, Whitmore, Wood of C., Wood of L. and Wooten.—55.

NAYS.—Messrs. Berry, Billingsly, Burk, Collier, Crawford of

...Barnes, Schermer, Mayton, ...
...resolution was ...
...motion of Mr. ... the order of ...
...was suspended ... the special order of today ...
...clock, viz: a bill to provide for the construction of the ...
...and Pacific Railroad was taken up. Bill read second ...

Mr. Throckmorton moved that the bill pass to a third reading.

Mr. Willey offered the following amendments:

Amend the second section by inserting after the word "Arkansas" in the 3d line, for the Spanish Bluffs, in the State of Texas, and ...
...the word "provided," and in series follow, to wit: That said road ...
...timber and other material, can not be prepared from the al-
...hereafter granted to said company, had pro-
...vided further, that said company shall not be allowed to use any
...timber, stone or other material which may be upon the alternate
...reserved to the State, except upon the three hundred feet
...granted as the right of way, after the completion of the road.

Amend the third section by inserting in lieu of the words "one hundred" in 10th line of said section, the words "one hundred and fifty."

Amendment by striking out all after the word "and" in the line of 6th section, and inserting as follows: "and shall have the right to ...
...rights and privileges necessary to carry into
...full effect the provisions of this act."

Amendment—Strike out all between the word "Texas" and the 2nd line of 12th section, and the word "as," in the 4th line of said section, and insert as follows, to wit: "at least five hundred thousand dollars in gold or silver, United States stock, or other good par stock."

Amend the 13th section by striking out all after the word "fin-
...ished," in the 9th line, and inserting as follows, to wit: "Pro-
...vided, that said road shall not cross the rivers Trinity, Brazos
...and Colorado north of 32° of north latitude."

Amend by adding the following section to wit:
Sec. 20. And be it further enacted, That any other railroad
company incorporated by this State, whose road may pass in the
vicinity of this road, shall have the right to connect with the

same, and this company shall at all reasonable times and for a reasonable compensation, draw over their road the passengers, merchandize, and cars of any other railroad corporation which may enter and connect with their railroad; and if the respective companies cannot agree upon the compensation aforesaid, it shall be the duty of the President of each company to select one man as a commissioner, and the two commissioners so selected shall choose a third in case of disagreement, neither of whom shall be a stockholder in either road, or interested therein, and they shall fix the rates, which shall not be changed for one year from the time of going into effect; the said commissioners shall also fix the stated periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interest of said corporations, and the public, who will be accommodated thereby; the right or power is specially conferred on any railroad company to enter and connect with any other railroad, within the scope of its designated route and branches.

Amend the 17th section by inserting after the word "company" in the 3d line, the following words, to wit: "or otherwise they shall be forfeited to the State."

Mr. Palmer moved to lay the amendments on the table.

Mr. Stapp moved that the rule be suspended, and that Mr. Wiley be permitted to discuss the merits of his amendments; lost.

Mr. Stapp proposed to amend the motion to lay the resolution on the table, by adding "and bill."

On motion of Mr. Crawford of W., Mr. Stapp's amendment was laid on the table.

The question upon laying the amendments on the table, offered by Mr. Wiley to the bill, was put and carried.

Mr. Dooly offered the following amendments:

Fourth line, 1st section, amend by striking out the words "be and," and insert "are."

Second line, fourteenth section, strike out after "103d," the word "parallel."

Third line, nineteenth section, after the word "road," insert "nor shall it in any manner affect the rights of the colonists or colony contractors, their legal representatives or assigns."

Mr. Palmer moved the previous question.

Mr. Meniffee moved to adjourn until 3 o'clock, p. m.; lost.

Mr. Stapp moved to adjourn until to-morrow, 10 o'clock, A. M.; upon which the yeas and nays were called, and stood thus:

YEAS.—Messrs. Bee, Bell, Berry, Billingsly, Cannon, Collier,

Crawford of B., Dooly, Fields, Hord, McCulloch, Menifee, Speights, Stapp, Tait, Thorp, Travis, Waller and Wiley.—19.

NAYS.—Messrs. Speaker, Adrian, Banks, Baylor, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Cannon, Crawford of W., Crosby, Daniel, Darden, Dulany, Edwards, Ferris, Fowler, Gaston, Hall, Hicks, Holman, Holland, Hunt, Kingsbury, Laird, Lewis, Loving, Lyday, Mallard, Marshall, Maverick, Muckleroy, Melton of H., Melton of N., Moore of W., Palmer, Parsons, Rains, Randolph, Reily, Roberts, Rushing, Schleicher, Shaw, Sims, Stout, Stroud, Swearingen, Taylor, Throckmorton, Turner of L., Turner of R., Vontress, Walker, White, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—64.

So the House refused to adjourn.

Mr. Vontress moved to adjourn until 3 o'clock, P. M., upon which the yeas and nays were called and stood thus:

YEAS.—Messrs. Baylor, Berry, Billingsly, Charlton, Collier, Crawford of B., Crosby, Dooly, Edwards, Fields, McCulloch, Menifee, Moore of R., Randolph, Rogers, Speights, Stapp, Tait, Thorp, Travis, Turner of L., Vontress and Wiley.—23.

NAYS.—Messrs. Speaker, Adrian, Banks, Bee, Bell, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Cannon, Crawford of W., Daniel, Darden, Dulany, Ferris, Fowler, Gaston, Hall, Hicks, Holman, Holland, Hord, Hunt, Kingsbury, Laird, Loving, Lyday, Mallard, Marshall, Maverick, Muckleroy, Melton of H., Melton of N., Moore of W., Palmer, Parsons, Rains, Reily, Roberts, Rushing, Schleicher, Shaw, Sims, Stout, Stroud, Taylor, Throckmorton, Turner of R., Walker, Waller, White, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—60.

The House refused to adjourn.

Mr. Stapp moved a reconsideration of the vote taken upon Mr. Crawford's motion to lay the amendment to Mr. Palmer's motion on the table.

Whereupon the yeas and nays were called, and stood thus:

YEAS.—Messrs. Baylor, Bee, Berry, Billingsly, Cannon, Charlton, Collier, Crawford of B., Crosby, Dooly, Edwards, Fields, Holland, Hord, McCulloch, Menifee, Palmer, Rogers, Stapp, Tait, Thorp, Turner of L., Waller and Wiley.—24.

NAYS.—Messrs. Speaker, Adrian, Banks, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Crawford of W., Daniel, Darden, Dulany, Ferris, Fowler, Gaston, Hall, Hicks, Holman, Hunt, Kingsbury, Laird, Lewis, Loving, Lyday, Mal-

Laird, Marshall, Maverick, Muckleroy, Melton of H., Melton of N., Moore of W., Parsons, Rains, Randolph, Reilly, Rogers, Rushing, Schleicher, Shaw, Sims, Speights, Stout, Stroud, Swearingen, Taylor, Throckmorton, Turner of R., Vontress, Walker, White, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—38.

So the House refused to reconsider the vote.

A call of the House was ordered.

On motion of Mr. Burney to suspend a further call of the House, the yeas and nays were called and stood thus:

YEAS.—Messrs. Speaker, Adrian, Billingsly, Boon, Bourland, Burney, Calvert, Cannon, Crawford of W., Crosby, Daniel, Ferris, Fields, Fowler, Gaston, Hall, Hicks, Holman, Holland, Hunt, Kingsbury, Lyday, Mallard, Maverick, Marshall, Muckleroy, Melton of H., Melton of N., Moore of W., Palmer, Parsons, Randolph, Reilly, Roberts, Rushing, Schleicher, Shaw, Sims, Stout, Stroud, Swearingen, Tait, Throckmorton, Turner of R., Vontress, White, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—52.

NAYS.—Messrs. Banks, Baylor, Bell, Berry, Birdwell, Brown, Burk, Crawford of B., Darden, Dulany, Edwards, Hord, Laird, Lewis, Loving, McCulloch, Meniffee, Rogers, Speights, Stapp, Thorp, Travis, Turner of L., Walker, Waller and Wiley.—26.

So a further call was suspended.

Mr. Wiley moved to adjourn until 3½ o'clock, P. M., upon which the yeas and nays were called and stood thus:

YEAS.—Messrs. Baylor, Bee, Berry, Billingsly, Birdwell, Burney, Cannon, Fields, Lewis, Lyday, Mallard, Muckleroy, McCulloch, Meniffee, Moore of P., Moore of W., Randolph, Rogers, Stapp, Tait, Thorp, Throckmorton and Vontress.—23.

NAYS.—Messrs. Speaker, Adrian, Banks, Bell, Boon, Bourland, Brown, Burk, Calvert, Charlton, Crawford of B., Crawford of W., Daniel, Darden, Dooly, Dulany, Edwards, Ferris, Fowler, Gaston, Hall, Hicks, Holman, Holland, Hord, Kingsbury, Laird, Loving, Marshall, Maverick, Melton of H., Melton of N., Palmer, Rains, Reilly, Roberts, Rushing, Schleicher, Shaw, Speights, Stout, Stroud, Swearingen, Taylor, Travis, Turner of R., Walker, Waller, Whitmore, Wilson, Wiley, Witt, Wood of C. and Wood of L.—54.

So the House refused to adjourn.

Mr. Meniffee moved to lay the motion for the previous ques-

tion on the table. The Speaker decided the motion out of order.

Mr. Bourland moved the previous question.

Mr. Stapp moved a call of the House, which was, by the Speaker, decided out of order.

Mr. Stapp appealed from the decision of the chair, whereupon the yeas and nays were called and stood thus:

YEAS.—Messrs. Adrian, Banks, Baylor, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Crawford of B., Crawford of W., Daniel, Darden, Dulany, Fowler, Gaston, Hall, Hicks, Holman, Hunt, Kingsbury, Laird, Loving, Lyday, Mallard, Marshall, Maverick, Muckleroy, Melton of H., Melton of N., Moore of W., Palmer, Parsons, Rains, Reily, Roberts, Rogers, Rushing, Shaw, Sims, Speights, Stout, Stroud, Swearingen, Taylor, Throckmorton, Turner of R., Vontress, Walker, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—56.

NAYS.—Messrs. Bee, Bell, Berry, Billingsly, Cannon, Charlton, Crosby, Dooly, Edwards, Fields, Hord, McCulloch, Menifee, Moore of P., Stapp, Tait, Thorp, Travis, Turner of L., Waller and Wiley.—30.

Mr. White was excused from voting.

So the House sustained the decision of the chair.

The question before the House, viz: shall the main question be now put, upon which the yeas and nays were called, and stood thus:

YEAS.—Messrs. Speaker, Adrian, Banks, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Crawford of B., Crawford of W., Daniel, Dooly, Dulany, Fowler, Gaston, Hall, Hicks, Holman, Hunt, Kingsbury, Laird, Loving, Lyday, Mallard, Maverick, Muckleroy, Melton of H., Melton of N., Moore of W., Palmer, Parsons, Rains, Reily, Roberts, Rushing, Shaw, Sims, Stout, Stroud, Swearingen, Taylor, Turner of R., Vontress, Walker, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—53.

NAYS.—Messrs. Bee, Bell, Berry, Billingsly, Cannon, Charlton, Crosby, Darden, Edwards, Fields, Holland, McCulloch, Menifee, Moore of P., Randolph, Rogers, Speights, Stapp, Tait, Thorp, Throckmorton, Travis, Turner of L., Waller, White and Wiley.—26.

Messrs. White, Moore of P. and Cannon asked leave to give their reasons for voting as they did; refused.

So the motion for the main question was carried.
The question being upon the passage of the bill to a third reading; the yeas and nays were called and stood thus:

YEAS.—Messrs. Speaker, Adrian, Banks, Baylor, Bee, Birdwell, Boon, Bourland, Brown, Burk, Burney, Cannon, Crawford of B., Crawford of W., Crosby, Daniel, Dulany, Edwards, Fowler, Gaston, Hall, Hicks, Holman, Hunt, Kingsbury, Laird, Lewis, Loving, Lyday, Mallard, Marshall, Maverick, Muckleroy, McCulloch, Melton of H., Melton of N., Moore of W., Palmer, Parsons, Rains, Reily, Roberts, Rushing, Shaw, Sims, Speights, Stapp, Stout, Stroud, Swearingen, Taylor, Throckmorton, Turner of R., Vontress, Walker, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—61.

NAYS.—Messrs. Bell, Berry, Billingsly, Charlton, Darden, Fields, Holland, Hord, Menifee, Moore of P., Randolph, Rogers, Tait, Thorp, Travis, Turner of L., Waller, White and Wiley.—19.

So the bill passed to a third reading.
On motion, the House adjourned until to-morrow 9½ o'clock,
A. M.

AUSTIN, December 17, 1853.

House met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of yesterday read and adopted.

Mr. Edwards moved that the rule defining the order of business be suspended, upon which the yeas and nays were called and stood thus:

YEAS.—Messrs. Speaker, Adrian, Banks, Baylor, Bee, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Cannon, Crawford of B., Crawford of W., Daniel, Darden, Dooly, Dulany, Edwards, Ferris, Fowler, Gaston, Hall, Hicks, Holman, Holland, Kingsbury, Laird, Lewis, Loving, Lyday, Mallard, Marshall, Muckleroy, McCulloch, Melton of H., Melton of N., Moore of W., Palmer, Parsons, Rains, Randolph, Reily, Rushing, Schleicher, Shaw, Sims, Speights, Stout, Stroud, Swearingen, Taylor, Throckmorton, Travis, Turner of R., Vontress, Walker, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—65.

NAYS.—Messrs. Bell, Berry, Billingsly, Charlton, Collier, Crosby, Fields, Menifee, Moore of R., Roberts, Rogers, Stapp, Tait, Thorp, Waller, White and Wiley.—17.

So the rule was suspended.

On motion of Mr. Edwards, the rule was further suspended, and a bill to provide for the construction of the Mississippi and Pacific Railroad, was taken up.

A message was received from the Senate, through their Secretary, announcing to the House that the Senate had suspended the rules defining the order of business, and passed a bill supplementary to an act authorizing the Commissioner of the General Land Office to appoint additional Draftsmen and Assistant Clerks in his department, and to fix the salary of the Commissioner and all under his control, and request a like suspension on the part of the House.

Mr. Hall moved that the bill be put upon its final passage.

Mr. Moore of Polk offered the following amendments:

Strike out the words "twenty sections," and insert "sixteen sections," after the word "road" in the 5th line of the 1st section.

Add the words "within three months after the time said proposal may have been accepted by the Governor," after the word "contract" in the 8th line of the 5th section.

Strike out the words "ninety-nine years," in the third line of the 6th section, and insert in the place thereof, the words "fifty years."

Strike out in the 7th section the words, "and when such companies are so united by agreements properly entered into and recorded in the office of the Secretary of State, they shall be regarded as one corporation."

Add the words "this act," after the word "with" in the 10th line of the 7th section.

Also, strike out the words "shall be forfeited to," in the 4th line of the 15th section, and insert in the place thereof, the words "is hereby declared forfeited."

Mr. Stapp moved a reconsideration of the vote taken yesterday on the passage of the bill to a third reading, whereupon the yeas and nays were called, and stood thus:

YEAS.—Messrs. Baylor, Bell, Bee, Berry, Billingsly, Charlton, Collier, Crosby, Darden, Fields, Holland, Hord, McCulloch, Menifee, Randolph, Rogers, Stapp, Tait, Thorp, Turner of L., Waller, White and Wiley.—23.

NAYS.—Messrs. Speaker, Adrian, Banks, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Cannon, Crawford of B., Crawford of W., Daniel, Dooly, Dulany, Edwards, Ferris, Fowler, Gaston, Hall, Hicks, Holman, Hunt, Kingsbury, Laird, Lewis, Loving, Lyday, Mallard, Marshall, Muckleroy, Melton of H., Melton of N., Moore of P., Moore of W., Palmer, Parsons, Rains, Reily, Roberts, Rushing, Schleicher, Shaw, Sims, Speights, Stout, Stroud, Swearingen, Taylor, Throckmorton, Travis, Turner of R., Vontress, Walker, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—61

So the House refused to reconsider the vote.

Mr. Stapp moved to refer the bill to the committee on Internal Improvements.

Mr. Fields proposed to amend the motion by adding, with instructions to report on Monday morning.

On motion of Mr. Reily, the motion to refer and amendment, were laid on the table.

Mr. Stapp moved to refer the bill to the committee on the Judiciary.

The motion to commit was decided out of order by the Speaker, inasmuch as the House had first refused to refer the bill to a committee.

Mr. Stapp appealed from the decision of the chair, whereupon the yeas and nays were called and stood thus:

YEAS.—Messrs. Adrian, Banks, Baylor, Billingsly, Birdwell, Boon, Bourland, Brown, Burk, Cannon, Charlton, Collier, Crawford of B., Crawford of W., Daniel, Dulany, Ferris, Fowler, Gaston, Hall, Hicks, Holman, Hunt, Kingsbury, Laird, Loving, Lyday, Mallard, Muckleroy, Melton of H., Melton of N., Moore of W., Parsons, Rains, Randolph, Reily, Roberts, Rushing, Schleicher, Shaw, Sims, Speights, Stout, Stroud, Swearingen, Tait, Taylor, Throckmorton, Turner of R., Walker, Waller, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—58.

NAYS.—Messrs. Bee, Bell, Berry, Dooly, Fields, Ford, McCulloch, Menifee, Palmer, Stapp, Thorp, Vontress, White and Wiley.—14.

So the decision of the chair was sustained.

Mr. Darden was excused from voting.

A message was then received from his excellency, the Governor, through his Private Secretary.

Mr. Reily moved to lay the amendment on the table; carried.

Mr. Darden offered the following amendments:

Amend second section by striking out all after the word "way" in the 10th line.

Amend 14th section by adding: That nothing shall be construed in this section to prevent the location of certificates issued prior to the passage of this act, being located upon any of the public domain now vacant.

The question being upon the adoption of the first amendment, the yeas and nays were called and stood thus:

YEAS.—Messrs. Bell, Berry, Charlton, Collier, Darden, Fields, Holland, Hord, Menifee, Randolph, Rogers, Stapp, Tait, Thorp, Vontress, Waller, White and Wiley.—18.

NAYS.—Messrs. Speaker, Adrian, Banks, Baylor, Bee, Billingsly, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Cannon, Crawford of W., Crosby, Daniel, Dooly, Dulany, Edwards, Ferris, Fowler, Gaston, Hall, Hicks, Holman, Hunt, Kingsbury, Laird, Lewis, Loving, Lyday, Mallard, Marshall, Mackleroy, McCulloch, Melton of H., Melton of N., Moore of W., Palmer, Parsons, Rains, Reily, Roberts, Rushing, Schleicher, Shaw, Sims, Speights, Stout, Stroud, Swearingen, Taylor, Throckmorton, Travis, Turner of L., Walker, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—64.

Mr. Fields proposed to amend the 2nd amendment as follows: by adding "east of longitude 98 west from Greenwich," rejected.

The second amendment offered by Mr. Darden was put and rejected.

Mr. Reily moved the previous question, whereupon the yeas and nays were called and stood thus:

YEAS.—Messrs. Adrian, Banks, Baylor, Birdwell, Boon, Bourland, Brown, Burk, Crawford of B., Crawford of W., Daniel, Dulany, Edwards, Fowler, Gaston, Hall, Hicks, Holman, Hunt, Kingsbury, Laird, Loving, Lyday, Mallard, Marshall, Muckleroy, Melton of H., Melton of N., Moore of W., Palmer, Parsons, Rains, Reily, Rushing, Schleicher, Shaw, Sims, Stout, Stroud, Swearingen, Taylor, Turner of R., Walker, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—49.

NAYS.—Messrs. Speaker, Bee, Bell, Berry, Billingsly, Calvert, Cannon, Charlton, Collier, Crosby, Darden, Dooly, Fields, Holland, Hord, McCulloch, Menifee, Moore of P., Randolph, Roberts, Rogers, Speights, Stapp, Tait, Thorp, Throckmorton, Travis, Turner of L., Walker, White and Wiley.—31.

So the previous question was ordered.

Pending the telling of the vote, Mr. Stapp arose to a point of order; that in view of the proceeding previously had on this bill, it will require a four-fifth vote to adopt the previous question.

The Speaker decided against the point.

Mr. Wiley asked leave to discuss the merits of the bill.

The House refused to grant him the privilege.

The question being upon the final passage of the bill, the yeas and nays were called and stood thus:

YEAS.—Messrs. Speaker, Adrian, Banks, Baylor, Bee, Bell, Birdwell, Boon, Bourland, Brown, Burk, Burney, Calvert, Cannon, Crawford of B., Crawford of W., Crosby, Daniel, Darden, Dooly, Dulany, Edwards, Ferris, Fields, Fowler, Gaston, Hall, Hicks, Holman, Holland, Hunt, Kingsbury, Laird, Lewis, Loving, Lyday, Mallard, Marshall, Muckleroy, McCulloch, Melton of H., Melton of N., Moore of W., Palmer, Parsons, Rains, Reilly, Roberts, Rushing, Schleicher, Shaw, Sims, Speights, Stout, Stroud, Swearingen, Tait, Taylor, Throckmorton, Travis, Turner of L., Turner of R., Vontress, Walker, Waller, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—71.

NAYS.—Messrs. Berry, Billingsly, Charlton, Collier, Hord, Menifee, Moore of P., Randolph, Rogers, Stapp, Thorp, White and Wiley.—12.

Messrs. Billingsly, Darden, Fields, Moore of P. and Travis, when called upon to cast their votes, asked leave to give their reasons for so voting.

Said request was refused by the House.

Mr. Adrian moved a reconsideration of the vote just taken upon the final passage of the bill.

Mr. Stapp moved to lay the motion on the table; lost.

On motion the House adjourned until Monday morning, nine o'clock.

Pending: Mr. Adrian's motion to reconsider.

AUSTIN, December 19, 1853.

House met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of Friday read and adopted.

On motion of Mr. Reilly, Mr. McCulloch was excused from attendance on the House until January 1st.

Mr. Wiley submitted the following protest against the proceedings of the House on the 15th and 16th instant:

The undersigned respectfully protest against the action of the House on the Mississippi and Pacific Railroad bill, and beg leave to submit briefly their reasons therefor; and they would premise that they are now and always have been the friend of that measure, and as such were anxious that the bill under the consideration of the House, should, by proper amendments, have been put in such a shape as to command their support, but unfortunately the course which the House thought proper to take in regard to the bill and amendments offered, not only deprived them of the constitutional right of free and full discussion on the merits of the bill, but forced upon them the disagreeable alternative of either opposing the bill, or being dragooned into its support with all its admitted defects. It is against this arbitrary and unconstitutional proceeding, as the undersigned are bound to regard it, that they most solemnly protest. The Constitution of the State of Texas, Art. 3, Sec. 20, provides that "bills may originate in either House and be amended, altered, or rejected by the other; but no bill shall have the force of a law until on three several days it be read in each House and free discussion be allowed thereon, unless in cases of great emergency four-fifths of the House in which the bill shall be pending, may deem it expedient to dispense with this rule." Yet in face of this plain constitutional provision, the Journals of this House show that not only were the amendments of the member from Walker laid upon the table without discussion, but that under a direct vote of this House that member was deprived of the constitutional privilege of discussing the expediency of those amendments with a view to the improvement of the bill, and this, too, under the operation of the iron rule of a majority vote of this House, determined to pass the bill without regard to the forms of the Constitution, or the sacred rights of the minority who invoked that instrument for their protection. But the invasion of the constitutional rights of members did not stop here, for before any discussion was allowed upon the merits of the bill, the previous question upon putting the bill on its third reading was moved and carried, thus depriving the minority of every vestige of a right which they claimed, to discuss or amend the bill at that stage of it, when discussion could be of service, or hope of amendment entertained. This scene was re-enacted on the day of the final passage

of the bill, as the journals of this House show, although some of the friends of the bill in its present shape protested against it, and nobly stood up in defence of the right of free discussion. The undersigned will not stop here to discuss the constitutionality of a law passed under such circumstances. This is a grave and important question, which they will leave to the judicial tribunals of the country to determine. But without any impeachment of the motives of the majority, they do feel and know that their constitutional rights as members of this House have been invaded, and the constitutional forms of legislation disregarded in the action of the House referred to. They therefore respectfully but most solemnly protest against the same, and ask that this their protest may be spread upon the journals of the House.

W. R. MOORE of Polk,

ALEXANDER BERRY,

FRANCIS M. WHITE,

J. BILLINGSLY of Bastrop,

H. E. McCULLOCH of Guadalupe,

D. M. STAPP of Victoria,

WM. MENIFEE,

E. G. COLLIER,

A. P. WILEY of Walker,

N. B. CHARLTON,

H. THORP of Matagorda,

T. H. M. ROGERS,

C. WM. TAIT of Colorado,

A. TURNER of Lavaca,

C. E. TRAVIS of Hays,

C. H. RANDOLPH,

BIRD HOLLAND.

On motion of Mr. Palmer, Messrs. Crawford of B. and Edwards were excused from attendance on the House until Monday next.

On motion of Mr. Mallard, Messrs. Calvert and Burney were excused from attendance on the House until 3d January.

On motion of Mr. Hall, Mr. Marshall was excused from attendance on the House until January 1st.

On motion of Mr. White, Messrs. Bell and Maverick were excused from attendance on the House until 1st January.

PETITIONS.

Mr. Billingsly presented the petition of Samuel C. Whiting; referred to the committee on Private Land Claims No. 2.

Also, the petition of the citizens of Comal county; referred to the committee on County Boundaries.

Mr. Bourland submitted the petition, with an accompanying bill for the relief of the heirs of Montgomery Baxton; referred to the committee on Private Land Claims No. 1.

Mr. Stapp submitted the petition of the citizens of Victoria, praying an amendment to their charter; referred to the committee on State Affairs.

Also, the petition of Thomas D. Hale, for land; referred to the committee on Private Land Claims No. 1.

Mr. Stout presented the petition of Elizabeth Ross; referred to the committee on Private Land Claims No. 1.

Also, the petition of D. W. Campbell; referred to the committee on Private Land Claims No. 1.

Mr. Bee submitted the petition of General James Hamilton; referred to a Select committee of seven.

Mr. Palmer presented the petition of sundry citizens of Bexar county; referred to the committee on County Boundaries.

Mr. Schleicher submitted the petition of the citizens of Gillespie county; referred to the committee on State Affairs.

Mr. Daniel submitted the petition of J. B. and D. B. Wortham, for land; referred to the committee on Private Land Claims No. 1.

REPORTS OF STANDING COMMITTEES.

Mr. Palmer, chairman pro tem. of the committee on the Judiciary, made the following reports:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

I am instructed to report that the committee on the Judiciary met last night at the committee room, pursuant to adjournment and previous notice, and that the following members of the committee were absent: Messrs. Dooly, Lewis, Crosby, Waller and Hord.

The committee will meet on Monday night at their room in the new Capitol.

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee on the Judiciary, to which was referred a bill to incorporate the Brazos Branch Plank road company, together with report from the committee on Internal Improvements, have had the same under consideration, and fully concur with the committee on Internal Improvements. I am therefore instructed to report the same back to the House, and recommend the adoption of the report of that committee.

The committee on the Judiciary, to which was referred a bill to be entitled an act for the relief of Joseph Denson, for land, and the report from the committee on Private Land Claims thereon, have had the same under consideration, and instruct

me to report that the said Denson, under a proper construction of the law, is not entitled to the relief prayed for. The committee therefore instruct me to report the same back to the House and recommend the indefinite postponement of the same.

The committee on the Judiciary, to which was referred a bill to be entitled an act to amend the 6th section of an act entitled an act punishing crimes and misdemeanors, passed December 21st, 1836; have had the same under consideration and instruct me to report to the House the accompanying substitute and recommend its passage; substitute read first time.

Reports received to come up in their regular order.

Mr. Charlton, chairman of the committee on Public Debt, made the following report:

Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

Your committee on Public Debt, to whom was referred a joint resolution relating to what is denominated the sealing system, beg leave to submit the following report, and respectfully ask its adoption.

They have carefully examined the joint resolution referred to them, and are satisfied that it expresses the true policy which the State should pursue in regard to her public debt, and they are also satisfied that it expresses the will of a very large majority of the people of the State, touching the system of policy mentioned in it, and now in force in the State. But whilst it evidently embodies a just expression of public sentiment and of State policy, your committee believe that its adoption at this time would subserve no useful purpose, but would be a gratuitous and unnecessary consumption of time.

It is true that the re-affirmance of fundamental principles of government may become necessary after the lapse of a long series of years, even though not sought to be changed or set aside. But your committee can see no necessity of seeking now to re-affirm principles but recently settled, which are still fresh in the minds of all, and which no effort since their adoption has been made to change, alter or modify. Your committee for these reasons recommend that no further action be had on the joint resolution referred to them. Report received.

Mr. Palmer made the following report:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The committee of Conference on part of the House of Rep-

representatives and Senate, to confer upon the amendment of the Senate to the bill of the House incorporating the Texas and Red River Telegraph Company, having conferred freely upon the same, instruct me to report that it is recommended by the committee that the Senate recede from the amendment and agree to the bill of the House without amendment.

C. G. KEENAN, Chairman Senate committee.

E. A. PALMER, Chairman House committee.

Report received to come up in its regular order.

Mr. Dooly made the following report:

To the Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The Special committee appointed to examine the translation of the Governor's Message in the German language and proof copy of the same, have performed their duty. They find the translation correct, and the printing of said documents executed in a satisfactory manner; they therefore recommend that the requisite appropriation be made to compensate for such service.

M. A. DOOLY, Chairman.

BILLS AND RESOLUTIONS.

Mr. Wooten introduced a bill to locate permanently the site of justice of the county of Angelina; read first time.

Mr. Reily introduced a bill relating to the homestead of a family; read first time.

Mr. Throckmorton introduced a bill to permanently locate the east boundry line of Cook county; read first time.

Mr. Rushing offered the following resolution:

Resolved, That the Judiciary committee be required to inquire into the expediency of amending the present attachment law so as to allow that writ to run against a defendant who is about to remove himself or property beyond the limits of the county in which he resides, and report by bill or otherwise adopted.

Mr. Loving introduced a bill for the benefit of Chappell Hill College; read first time.

Mr. Crawford of W. introduced a bill to incorporate the Brazos Branch Railroad company; read first time.

Mr. Turner of Rusk offered the following resolution:

Resolved, That the Doorkeepers of the House be permitted to

employ and have control of the porters of the same; laid on the table one day for consideration.

ORDERS OF THE DAY.

On motion of Mr. Dooly, the rule defining the order of business was suspended, and a supplement to a bill authorizing the Commissioner of the General Landoffice to employ Assistant Draftsmen and appointing Assistant Clerks, and to fix the pay of the Commissioner and all under his control, was taken up; supplement read first time.

On motion of Mr. Dooly, the rule was further suspended and the supplement read second time.

On motion of Mr. Charlton, the rule was further suspended, supplement read third time and passed.

Question pending when the House adjourned, viz: a motion to reconsider the vote taken on Saturday last on the final passage of a bill to provide for the construction of the Mississippi and Pacific Railroad taken up.

Mr. Taylor in the chair.

Mr. Franklin arose to a point of order, viz: that on a vote for a reconsideration of the bill, that a vote of any number more than one-third of the votes is sufficient to reconsider the bill which was decided against by the chair.

Whereupon Mr. Franklin appealed; the yeas and nays being called, stood thus:

YEAS.—Messrs. Adrian, Bee, Berry, Birdwell, Boon, Bourland, Burk, Cannon, Crawford of W., Crosby, Dulany, Ferris, Fowler, Gaston, Hall, Hicks, Holman, Hord, Laird, Lewis, Loving, Lyday, Mallard, Muckleroy, Melton of H., Melton of N., Moore of W., Parsons, Rains, Randolph, Reily, Roberts, Rushing, Schleicher, Sims, Speights, Stout, Stroud, Swearingen, Throckmorton, Turner of R., Vontress, Walker, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.—51.

NAYS.—Messrs. Banks, Billingsly, Charlton, Cone, Dooly, Franklin, Kingsbury, Menifee, Palmer, Shaw, Stapp, Tait, Thorp, Travis, Turner of L., White and Wiley.—17.

The question being upon the reconsideration of the vote upon the final passage of the bill, the yeas and nays were called for and stood thus:

YEAS.—Messrs. Berry, Billingsly, Charlton, Cone, Crosby, Dooly, Franklin, Holland, Hord, Menifee, Moore of P., Randolph, Rogers, Stapp, Tait, Taylor, Thorp, Travis, Turner of L., Vontress and Wiley.—21.

NAYS.—Messrs. Adrian, Banks, Bee, Birdwell, Boon, Bourland, Burk, Cannon, Crawford, of W., Daniel, Dulany, Ferris, Fowler, Gaston, Hall, Hicks, Holman, Hunt, Kingsbury, Laird, Lewis, Loving, Lyday, Mallard, Muckleroy, Melton of H., Melton of N., Moore, of W., Palmer, Parsons, Rains, Reily, Roberts, Rushing, Schleicher, Shaw, Sims, Speights, Stout, Stroud, Swearingen, Throckmorton, Turner of R., Walker, White, Whitmore, Wilson, Witt, Wood of C., Wood of L. and Wooten.
—51.

So the House refused to reconsider.

On motion, the House adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met—roll called—quorum present.

The following communication from his excellency, the Governor, was taken up, and on motion of Mr. Witt, made the special order of the day for Friday next, at 11 o'clock:

[Copy not furnished by the Clerk.]

Mr. Vontress moved to suspend the rule defining the order of business; lost.

A report from the Judiciary committee, recommending the passage of a substitute for a bill to suppress the practice of carrying concealed weapons, taken up; substitute read second time.

Mr. Birdwell moved the engrossment of the substitute.

Mr. Taylor proposed the following amendment to come in at the end of the 2d section: provided, that in all prosecutions commenced under the provisions of this act, it shall be the duty of the District-Attorney to cause the name of the prosecutor to be marked upon the bill of indictment.

Mr. Franklin offered the following substitute for the amendment:

Provided, that where the indictment is founded on the information of one not called on by the Grand Jury, the name of the informer shall be endorsed on the bill, and such informer shall be liable for costs of the prosecution in case the same shall not be sustained.

On motion of Mr. Fields, the bill, substitute and amendments were laid on the table.

The following Special committee on the claim of Gen. James Hamilton, was then announced:

Messrs. Bee, Turner of R., Wiley, Stout, Billingsly, Crawford of W. and Muckleroy.

A bill to change the name of Louisa Johnson, infant daughter

of Wm. Johnson, of the county of Kaufman, to that of Louisa Boyd; read third time and passed.

A bill for the relief of Sylvester Williams; read third time and passed.

A bill to change the name of Frederick Levy to that of Wm. Shelton; read third time and passed.

By leave of the House, Mr. Travis offered the following resolution:

Resolved, That the Sergeant-at-Arms and Doorkeeper be instructed to remove so much of the furniture in the Representative Hall as is necessary for making room for the inauguration of the Governor and Lieutenant-Governor elect.

A bill to repeal the 1st section of an act concerning juries, approved February 16th, 1852.

A bill making an appropriation for the per diem pay and mileage of the members and officers of the Fifth Legislature of the State of Texas, convened November 7th, 1853; read third time, and on motion of Mr. White, laid on the table.

A bill supplementary to an act to incorporate the town of Carthage, in Panola county, approved January 19th, 1853; read third time and passed.

On motion of Mr. Hall, the rule defining the order of business was suspended, and the Senate's bill making an appropriation for the per diem pay of the officers of the Fifth Legislature, convened November 7th, 1853, was taken up; bill read third time and passed.

A bill to encourage the building of steamboats, steamships and other vessels in the State of Texas; read third time.

Mr. Fields proposed to amend by striking out the last clause and inserting "this act shall take effect from its passage and remain in force for five years;" rejected.

Mr. Moore of Polk proposed to amend by striking out the words "twenty-five tons" and inserting the words "fifty tons" wherever they occur in the bill; rejected.

The question being upon the passage of the bill, the yeas and nays were called and stood thus:

YEAS.—Messrs. Speaker, Adrian, Banks, Birdwell, Boon, Bourland, Burk, Cannon, Cone, Crawford of W., Daniel, Dulaney, Fields, Franklin, Fowler, Hall, Holman, Kingsbury, Laird, Lewis, Lyday, Muckleroy, Menifee, Parsons, Randolph, Reily, Roberts, Schleicher, Shaw, Speights, Stapp, Stout, Stroud, Swearingen, Tait, Taylor, Thorp, Throckmorton, Travis, Tar-

ner of R., Turner of L., Walker, White, Whitmore, Witt, and Wood of L.—46.

YAYS.—Messrs. Bee, Berry, Billingsly, Brown, Ferris, Gaston, Hord, Loving, Mallard, Melton of H., Melton of N., Moore of P., Moore of W., Rains, Rushing, Sims, Vontress, Wiley, Wood of C. and Wooten.—20.

So the bill passed.

By leave of the House, Mr. Travis, chairman of a Special committee appointed on the part of the House to make arrangements for the installation of the Governor and Lieutenant Governor, made the following report:

COMMITTEE ROOM, December 19th, 1853.

Hon. H. R. RUNNELS,

Speaker of the House of Representatives:

The Joint Select committee appointed to make arrangements for the installation of the Governor and Lieutenant Governor elect, beg leave to make the following report:

Remove from the Representative Hall so much of the furniture as may be necessary; set chairs as close as possible on both sides of the Hall. The front seats on the right of the Speaker to be occupied by Senators, the Representatives in their rear. The ladies to occupy the front seats on the left, immediately in rear of the ladies, all persons of distinction, the citizens in the rear and lobby.

The committee have made suitable arrangements for the procession.

JAMES K. HOLLAND,

Chairman on the part of the Senate.

C. E. TRAVIS,

Chairman on the part of the House.

Mr. Hall moved a suspension of the rule defining the order of business; lost.

On motion, the House adjourned until to-morrow morning, half-past 9 o'clock.

AUSTIN, December 20, 1853.

House met pursuant to adjournment—prayer by the Chaplain.—roll called—quorum present.

Journal of yesterday read and adopted.

On motion of Mr. Dooly, Mr. Collier was excused from attendance on the House until the 1st of January.

On motion of Mr. Moore of Polk, Mr. Rogers was excused from attendance on the House until the 1st of January.

PETITIONS.

Mr. Ferris presented the petition of W. B. and Henry Stout; referred to the committee on Public Debt.

Mr. Cone presented the petition of Thomas Cayce; referred to the committee on Public Debt.

Mr. Kingsbury presented the petition of Arvin Wright; referred to the committee on Private Land Claims No. 1.

Mr. Ferris presented the petition of Joseph D. Lilly, for relief; referred to the committee on Public Debt.

Mr. Whitmore presented the petition of W. A. and J. W. Watham; referred to the committee on State Affairs.

Mr. Wilson presented the petition of the citizens of Tarrant county, praying an extension of the line between the Fannin and Robertson Land Districts; referred to the committee on County Boundaries.

A message was received from the Senate, through their Secretary, informing the House that the Senate had passed the following bills:

A bill to be entitled an act to legalize the election of W. B. Nickolson as District Clerk of Hill county.

A bill to be entitled an act to encourage the construction of railroads in Texas by donations of land.

REPORTS OF STANDING COMMITTEES.

Mr. Meniffee, chairman of the committee on State Affairs, made the following reports:

The committee on State Affairs, to whom was referred a bill which had for its object the suppression of the retailing of spirituous liquors, together with various petitions upon the same subject, have considered the same, and beg leave to report back to the House a substitute for the bill and recommend its passage.

The committee on State Affairs, to whom was referred a bill for the relief of the heirs of Wm. Gophney, deceased, have considered the same, and in view of the fact that there has been no appropriation to meet the contingencies contemplated by the law which has been passed for the indemnification of the owners of slaves, executed for capital offences, approved January 24th, 1852, and in view of the fact that several bills have been introduced for the relief of persons to such indemnification, your com-

mittee beg leave to report back a bill as a substitute for the above named bill for the relief of the heirs of Wm. Gophney, and recommend its passage.

The committee on State Affairs, to whom was referred the report of the Auditor and Comptroller, upon the subject of ascertaining the debt of the late Republic of Texas, beg leave to report the same back to the House and recommend its reference to the committee on Public Debt, as the matter contained in the report comes more properly under the consideration of that committee.

The committee on State Affairs, to whom was referred the memorial of N. T. Byers, ask to return the same to the House and ask to be discharged from its further consideration.

The committee on State Affairs, to whom was referred the annual report of the Attorney-General, ask to return the same back to the House and recommend its reference to the committee on Public Printing.

The committee on State Affairs, to whom was referred a joint resolution to provide for the amending the 30th section of the general provisions of the Constitution of the State of Texas, have had the same under consideration, and a majority of the committee have instructed me to report a substitute for the same, and recommend its passage.

The committee on State Affairs, to whom was referred a petition of the citizens of the town of Victoria, together with a bill entitled an act relating and restricting the limits of the town of Victoria, have considered the same, and report the bill back to the House and recommend its passage.

BILLS AND RESOLUTIONS.

Mr. Cone moved an adjournment until to-morrow at half-past nine o'clock, A. M.; lost.

Mr. Billingsly moved that the rule defining the order of business be suspended, to take up the Senate's bill to quiet land titles in Robertson's Colony and Austin's Little Colony; lost.

Mr. Reily moved to take up the Senate's bill for the relief of Fisher & Miller; lost.

On motion of Mr. Ferris, Hr. Hall was added to the committee on Judicial Districts, in the place of Mr. Marshall, absent.

Mr. Crawford of W. asked that the rule defining the order of business be suspended, to take up the House bill to incorporate the Brazos Branch Railroad Company; refused.

Mr. White moved to adjourn until half-past nine o'clock, A. M., to-morrow; lost.

A bill to incorporate the Austin and Houston Turnpike company; read third time.

Mr. Wiley offered the following amendment to the bill :

Provided, That nothing contained in this act shall be construed to prevent any railway from entering or crossing said road, wherever it may be necessary ; rejected.

Mr. Franklin moved to amend as follows : and complete that section which crosses Brazos bottom within eighteen months ; rejected.

The vote upon its final passage being taken, stood as follows :

YEAS.—Messrs. Speaker, Adrian, Banks, Berry, Birdwell, Boon, Bourland, Brown, Burk, Cannon, Cone, Crawford of W., Crosby, Daniel, Dulany, Ferris, Franklin, Fowler, Gaston, Hall, Hicks, Holman, Holland, Hord, Kingsbury, Laird, Lewis, Loving, Mallard, Muckleroy, Menifee, Melton of H., Melton of N., Moore of P., Reily, Rushing, Schleicher, Shaw, Sims, Speights, Stapp, Stout, Stroud, Swearingen, Tait, Thorp, Throckmorton, Travis, Turner of L., Turner of R., Vontress, Walker, White, Whitmore, Wilson, Witt and Wood of C.—57.

NAYS.—Messrs. Billingsly, Rains, Randolph, Taylor and Wiley.—5.

So the bill was passed by a constitutional majority.

Mr. Thorp moved to adjourn until to-morrow at 10 o'clock A. M. ; lost.

A bill appropriating \$50,000 for the mileage and per diem of the members of both Houses of the Legislature ; read third time and passed.

A bill to incorporate the Grand Temple of Honor of the State of Texas, and subordinate Temples under its jurisdiction ; read third time and passed by the following vote :

YEAS.—Messrs. Adrian, Banks, Berry, Birdwell, Boon, Brown, Burk, Cannon, Cone, Crawford of W., Crosby, Daniel, Dulany, Ferris, Franklin, Fowler, Gaston, Hall, Hicks, Holman, Holland, Hord, Kingsbury, Laird, Lewis, Loving, Lyday, Mallard, Muckleroy, Menifee, Melton of H., Melton of N., Parsons, Rains, Randolph, Reily, Roberts, Rushing, Shaw, Sims, Speights, Stapp, Stout, Stroud, Swearingen, Thorp, Throckmorton, Travis, Turner of L., Turner of R., Walker, White, Whitmore, Wiley, Wood of C. and Wooten.—56.

NAYS.—Messrs. Speaker, Billingsly, Tait, Vontress and Witt—5.

A message from the Governor was received through his Secretary.

On motion of Mr. Crosby, the House adjourned until to-morrow at half-past 9 o'clock, A. M.